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English Smuggling in the Eighteenth Century.

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Ref. Paul Muskett's English Smugling in the Eighteenth Century.

Dear Margaret,

Thankyou for offering to make the amendments to my footnotes. I'm working on errors and interpretations in constructing historical narratives at the moment, using an episode in Manx smuggling, so it was ironic to find I couldn't even get a numerical sequence right. (I blame the teachers/parents/government etc. etc.)

The mistakes are to be found: i) on page 112. The footnotes are numbered 43, 44, and 45. They should read 106, 107 and 108.

ii) On page 114. Numbers 48 and 49 should be 111 and 112.

iii) On p. 116. There are two number 117s. Could you eliminate the second, after 'Britain'?

My thanks again, and I would appreciate your letting me know when the corrections have been done.

Yours sincerely, *Paul Muskett*

PS. Since the Notes are correct, I suspect that pages 112 and 114 were redone, but whereas the original copies had my new footnotes stuck on, I hadn't altered the original disc. Well, thats my story anyway.

Abstract

Three main areas are addressed: smuggling as a commercial activity; as a form of social crime; and as a problem of policing. The claim that the violence of the Sussex smugglers in the 1740s was atypical is scrutinised, adopting a comparative approach between regions and over time, and it is argued that force was a rational response adopted by many smugglers when their interests were threatened. The contrabanders extended their penetration of legal markets and distribution networks in the second half of the eighteenth century, but this was accompanied by increasing levels of violence. Studying the confrontations between the smugglers and the preventive forces raises the question of how violent a society England was. The discussion is moved away from the homicide statistics to armed defence and calculated intimidation. The use of violence as a business stratagem raises questions concerning the smugglers' status as 'social criminals.' Illicit importation enjoyed high levels of popular support, but whether contemporaries saw the pursuit of the contraband trade as legitimising murder and mayhem, remains debatable. The adversarial model, in which smugglers are pitted against the forces of the revenue, and represented as the defenders of the local economies against commercial monopolists, is an incomplete picture. Smugglers and revenue officers had to establish a *modus vivendi*, Collectors and Comptrollers were often leaders in their local communities and active in local politics, and some smugglers were themselves men of standing and influence.

The intention is to focus on continuity; in terms of attitudes, methods, and the problems presented to the authorities. The involvement of the continental East India companies indicates that the smuggling trade in the first half of the eighteenth century should be seen as more than a number of locally based, small-scale enterprises. The problem for government was that smuggling was more of a business than a form of social protest. Members of the political nation were conscious of the need to compromise for the sake of stability, and the use of the state's coercive machinery against smuggling, the army, navy and the law, is perhaps better seen as an exercise in containment rather than an attempt at repression.

Forward

This thesis began as a study of smuggling in East Anglia, with the intention of providing a basis for comparison with studies whose main focus was on Kent and Sussex, and the Wealden gangs active in the 1730s and 1740s. Preliminary investigations of south coast smuggling indicated that the third and fourth decades of the eighteenth century were a time of considerable violence associated with the contraband trade, but also suggested that the use of main force was an integral part of the business and not peculiar to mid-century Sussex. Extending the geographical, as well as the temporal boundaries, was designed to test the validity of this proposal. A second objective was to consider whether smuggling was the archetypical social crime, condemned by the law but condoned by the community. Was generalization justified, or should there be differentiation within and between communities?

East Anglia had certain advantages with regard to the availability of sources. None of the Sussex Customs outport records have survived from before 1826, and the letters from the Kent Collectors to the Commissioners provide a limited coverage, Sandwich in the 1740s, and Dover in the last quarter of the century. By contrast, there are continuous series for Yarmouth and Harwich. The letters from the Board to the outports contain numerous directives dealing with general Customs administration, but they are also a source of information on smuggling and the Commissioners efforts to co-ordinate preventive measures.

They merit a more systematic examination than I have been able to give them, and could be the basis for detailed studies on individual ports and the work of the Customs officers.

If their methods were determined by the nature of the trade, the similarities in the stratagems and tactics adopted by east coast and south coast smugglers were to be anticipated. Less predictable was the scope of the smugglers' operations. Not only were the same smuggling cutters landing goods in both regions, but members of the Kent and Sussex gangs were identified running goods off beaches in Suffolk, and riding in company with their East Anglian counterparts up into Lincolnshire.

This was interesting in itself, but brought into question the validity of the regional comparison. Extending the study to include Cornwall meant that any conclusions concerning the smugglers' violence would not be derived from the behavioural characteristics of the same individuals active in different areas. Bringing in aspects of French smuggling, Mandrin's career in particular, served to provide further evidence that violence was a common feature of the contraband business. Establishing a rationale for the use of force and intimidation meant looking at the confrontations arising from the authorities' efforts to suppress, or at least contain, the traffic in illicit goods. This led to a wider investigation of policing, looking at the roles of revenue officers, magistrates, and the army and navy. It became apparent that a number of assumptions regarding law enforcement needed scrutiny.

The more senior outpost officials were often men of local standing, sitting as magistrates and involved in both local and parliamentary politics. This made for a certain degree of ambiguity, but the divide between local and central government has been overstated. The War Office received frequent appeals for military detachments to be assigned to coastal duties, and there is little evidence that the civil powers in the maritime counties objected to the army's presence.

The underlying problem seemed to be a dependence on an adversarial model of policing, represented as an attempt by the agencies of central government to eradicate a practice enjoying considerable support from the local communities. Drawing the lines of demarcation proved more difficult than that. Not only did the Collectors and Comptrollers have to reconcile the demands of the Commissioners and local notables, but those occupying high political office were well aware of the need to maintain their reputations, with both their peers and their clients. Not only was patronage a means of building support, but the effective implementation of policy might rest on the work of those who helped organize the patrons' political campaigns.

There were instances of conflict between the different bodies entrusted with prevention; charges and countercharges were exchanged between soldiers and revenue-men, officers in the Customs and Excise accused each other of negligence and corruption, and officials questioned the commitment

of magistrates to the repression of the contraband trade. This raised further problems for the depiction of the anti-smuggling campaign as the cause of antagonism between central government and the provinces. The disputes which arose often involved different branches of central government, rather than conflicts between central and local authorities, and at the same time, there were plenty of examples of joint operations linking both revenue services and the army or navy.

The nature of the source materials, with so much of the documentary evidence to be found in official and legal records, made it difficult to separate smuggling from the attempts to control it. Again, the adversarial model provides only a partial analysis. There were fierce encounters between smugglers and preventive forces on land and at sea, and these have attracted the most attention, bandits and pirates conforming to the model for social criminals, engaged in a form of class war against the owners of capital and their agents. Yet this was only one part of the trade, and while armed gangs were a feature throughout the century, concentrating on their role, to the exclusion of the suppliers and major purchasers, is to delineate smuggling in such a way as to accentuate its nature as a form of proletarian protest.

Smugglers charged with assault, obstruction or assembling in armed parties were tried at the county assizes and the Old Bailey. These hearings provide insights into the composition and methods of the gangs, and allow for some tentative conclusions concerning public opinion regarding the criminality of the contraband trade. They do not provide

a great deal of material on other organizational aspects of the business. Customs and Treasury records, the State Papers, reports from Parliamentary Committees, and the documentation relating to their enquiries, all contain information about the entrepôts where the smugglers acquired their cargoes, and the distribution networks in Britain, but two sources were not searched, and both could be valuable in constructing a more complete picture of the commercial side of smuggling. These are the records of the Exchequer Court, dealing with seizures, and the Excise records, including the Excise trials from 1778. The series CUST 48, entry books of correspondence with the Treasury, consists of 142 volumes in all, but the period to 1788 is covered by 23 books, making this a useful starting point for a study of the Excise department in the eighteenth century. John Brewer's references from this series, in The Sinews of Power, suggest there is also material on the smuggling gangs, the 'lawless banditti' who remain central to any general studies of the contraband trade.

The seizure returns, contained in CUST 21, could provide the basis for a quantitative assessment of the contraband trade from the beginning of George I's reign to the end of the century. The returns give details of the quantities of different goods taken, and which ports they were seized in. Changes in the levels of military and naval support afforded the revenue officers, the smugglers' willingness to resort to violence, their problems in securing supplies, and variations in the diligence of the preventive forces,

all indicate the need for caution when trying to assess the scale of smuggling from the seizure figures. At the same time, it is reasonable to suppose some correlation and there is sufficient information to provide comparisons between areas and over time.

Peter Linebaugh maintains that the history of crime has been 'increasingly transferred into the history of administration or "the machinery of justice."' This could be a reflection of the evidential sources the historian is faced with. Many of the records were produced by the administrators, and their perspectives will almost certainly shape our own. Yet other sources, such as the newspapers and the Newgate Calendars, provide no more accurate a guide to the motives and actions of offenders against the criminal law. 'History from below' is more about the interests of historians who concentrate on the ruled, instead of the rulers. Since the two cannot be dissentangled it is perhaps better to make use of the evidence we have, rather than regretting that which we do not.

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Introduction
Aspects of Smuggling.

1

The state of the debate.

Richard Cobb suggested that 'the deserter, the mutineer, the primitive rebel, the rural bandit, the market rioter, the urban criminal and the village prophet' had become alarmingly respectable subjects for historical research.¹ The study of crime, deviancy, and protest is well established, stimulating new approaches to the issue of social control and a vigorous debate on the role of the courts.² The legal system has been presented as an aspect of ruling class hegemony, transmitting the values and perpetuating the power of a propertied elite, and as a 'resource available to and used by almost every layer in eighteenth-century society.'³ Smuggling, 'the greatest illegal business of all,' while providing material for exciting narratives, has received little attention in recent studies of eighteenth-century crime.⁴ Writing in 1985, Christian Pfister-Langanay noted that while the contraband trade had left an indelible impression on the character of the maritime population of England, it had yet to be studied in depth, 'c'est tout un immense champ d'enquete qui reste a explorer.'⁴

Surveying developments in social history from the 1960s, Joanna Innes and John Styles refer to 'an explosion of interest in eighteenth-century crime...a demand for a "new" social history that would transcend the antiquarian and anecdotal approach of much previous work.'⁵ Even the most

austere analyst can be tempted from the path of virtue by the tales of intrigue and the clash of arms provided by the contraband trade, which might explain its comparative neglect by professional historians. Cal Winslow ventured into the field in his detailed study of Sussex smugglers in the 1740s, presenting them as social rebels engaged in 'an aspect of the class struggle of the eighteenth century' and defending the local economy 'as against the development of commercial capitalism.'⁶ Frank McLynn raises some pertinent questions regarding the classification of smuggling as a form of social crime, but his own account lacks a sound evidential base, tends to the episodic, and, for want of an alternative explanatory framework, relies too much on retelling familiar stories.⁷ John Beattie's very thorough study, Crime and the Courts in England, does not discuss the way the criminal courts dealt with smuggling, while his earlier paper, based on data from Surrey and Sussex, acknowledges the likely importance of the subject, but does not develop its argument:

The coves and inlets of the long Sussex coast provided shelter and encouragement to smugglers, many of whom doubtless carried on their activities with the more than passive support of the populace of the coastal plain. Smuggling is not a "crime" that we shall be much concerned with...but it clearly had a direct effect on forms of criminal activity that we will deal with, on the level of offences that were defined by the authorities as unlawful or riotous assembly, for example, and perhaps on assault charges too, arising from encounters with customs officers.⁸

This is a very tentative excursion into the subject, given the number of assaults and affrays involving Sussex smugglers and the fact that the contraband routes from the south coast to London traversed Surrey as well as Sussex, with violent confrontations if the revenue men attempted to intercept the trains of loaded packhorses.

J.S.Cockburn has called himself an 'academic-powder monkey, providing ammunition for the heavy guns,' of Lawrence Stone and J.A.Sharpe in their skirmishing over levels of violence in English society.⁹ Discussing homicide rates in Kent, Cockburn suggests that smuggling may well have 'complicated the pattern of fatal violence there in the eighteenth and early nineteenth centuries.'¹⁰ Finding little information in the assize records for the county, he does not extend his enquiry to try and discover just how many fatalities resulted from clashes between smugglers and the preventive forces on land and sea; including free-traders as victims, as well as perpetrators of homicide, could mean readjusting the murder rate in some maritime counties.

Eighteenth-century smuggling has yet to be studied comprehensively within a social and legal analytic framework, nor have the problems of policing areas occupied by large gangs of armed men been addressed in depth, though J.A.Houlding has identified the significant part that coastal duties played for the army, particularly the dragoon regiments.¹¹ By contrast, smuggling as a commercial activity has attracted considerable attention, but not from British historians. Pfister-Langanay portrays the contraband trade

at Dunkirk as a major commercial enterprise, and Louis Dermigny has investigated the ramifications of the eighteenth-century trade in illicit tea, including the acquisition of leaf intended for sale in Britain, and the networks linking original importation, purchase at auction, storage in continental ports, and shipment across to the British and Irish mainlands or the off-shore bases on the Shetlands, the Isle of Man, and the Channel Islands.¹² Studies of the contraband trade as part of the international commodities market provide a different framework of reference for an assessment of English smuggling. The workings of commercial networks, and the penetration of the legal market by illicit traders, do not entail a higher level of historical explanation than the activities of the smuggling gangs, but the riders and the cutter crews should be set within the wider business context. The extent of the tea trade has also been investigated by W.A.Cole, while Hoh Cheung and Lorna Mui discern a radical change during the eighteenth century: ¹³

By developing more efficient means of transportation, by taking advantage of international facilities for capital and credit, and by invading established channels of legal distribution, the illicit trade was able to engross a large share of the market.'¹⁴

In the earlier period, tea smuggling into England 'was mostly dominated by many small scale local importers with little capital or credit...Once landed the illegal tea was primarily traded by local retailers, whose market was necessarily restricted.'¹⁵

Winslow is critical of the Muis for omitting 'any mention of the bloody conflict' associated with smuggling but accepts their claim for a significant organisational change during the second half of the century.¹⁶ Referring to his own area of study, he lapses into ambiguity, stating in consecutive paragraphs that 'It was only later in the century that smuggling became the business of the real "men of substance", the London merchants,' but in in the 1740s it was already 'becoming "big business"' in Sussex, 'particularly through the activities of the large gangs.'¹⁷ The Muis cite a variety of sources from the 1770s and 1780s but do not substantiate their claims respecting the relative lack of development in the earlier period. Witnesses appearing before Sir John Cope's committee in 1733 testified to an already well developed network linking the continental ports, the East Anglian and south coast smugglers, and the London apothecaries, grocers and innkeepers eager to acquire a low-cost product; 2000 lbs of tea might be sold out of a contraband warehouse in a single transaction.¹⁸ John Collier, Surveyor General of the Kent Customs service, is quoted by Winslow as criticising the 1746 Act of Indemnity for hitting the Sussex smugglers hard while it 'pardoned those that are in the country thought to deserve as great a punishment at least, the merchants and tradesmen in London that employed them and received their smuggled goods.'¹⁹

Just as there were substantial businessmen concerned in contraband dealings, so the rewards from successful

runs were such that a competent smuggler, starting his working life as a labourer, artisan, or seaman, could accumulate wealth and become a man of standing in the community. In France and the Low Countries the export of contraband tea was grafted on to an established trade in wines and spirits; many of the English smugglers were small scale operatives: fishermen and boatmen alert to the profits to be made from a few hundredweight of tea and some half-anker casks of brandy and gin, colliers benefiting from visiting foreign ports, and the crews on the packet boats.²⁰ Cutters carrying cannon and swivel guns, sailing together out of Boulogne or Dunkirk for better defence, and hundreds of men assembled on English beaches, show more ambitious operations were taking place from the 1720s on. Smuggling was a promising field for both the occasional opportunist, and the serious entrepreneur. In the years immediately after the Treaty of Utrecht considerable quantities of contraband were shipped aboard unarmed vessels displacing less than two tons, but other contemporary accounts belie the notion that the smugglers relied on evasion and 'the undercover assistance of local inhabitants.'²¹

There were significant changes in the way the trade was conducted in the second part of the century. The quantity of tea being smuggled into Britain increased markedly after the Seven Years War, especially in the early 1770s. The ships employed in illicit shipments were twice and three

times the tonnage of the larger cutters and luggers used in the 1740s and carried sufficient men and cannon to take on most of the revenue cruisers and some of the Royal Navy ships sent to support them.²² Even so, there is need for some caution in drawing contrasts between the two eras:

Even if very large entrepreneurs were not characteristic of the English smuggling until after 1760, considerable sums had to be invested at any time for purchasing or hiring a vessel, paying for its crew, providing the large number of men needed to transport the landed cargo, and making the initial purchase of tea, brandy or tobacco.²³

There is no disputing the greater size and armaments of the smuggling vessels in the later years, but the use of boats and smaller ships should not be interpreted as evidence of small scale operations. There was the risk of interception, seizure and confiscation, and vessels and cargo were in greater danger 'because the smuggler had necessarily to forego the use of proper port facilities in landing his cargo. Such circumstances resulted in vessels being much smaller than in legal trade as a form of insurance against the risks and dangers involved.'²⁴

Cal Winslow and the Muis, though focusing on different periods and sectors within the smuggling trade, concentrate on the situation in Britain. Winslow conceives of the smuggler as a rebel, in arms against the authority of the state and the burgeoning influence of commercial capitalism.

The Muis argue the interdependence of the illegal and the legitimate markets and are more interested in the efforts of government to contain and defeat the illicit trader than in the smugglers themselves. Their study of the 1784 Commutation Act stresses the importance of the continental auctions and shows how the attempt to regulate the price of tea through purchases abroad was a matter of high policy for William Pitt, but they do not investigate the role of the European companies trading to China.²⁵

Winslow's avoidance of the wider dimensions of the contraband trade subject is understandable. The class-war model can be applied with some validity if a study of smuggling is confined to the conflicts involving the armed gangs in the maritime counties and the preventive forces, represented as agents of the ruling elite. Extending the field to encompass the chartered companies trading in the Far East and the financiers and merchants investing in various types of contraband, would have strained 'Sussex Smugglers' conceptual framework. If the contraband trade is seen as a series of interlocking networks linking a range of interests and individuals, the essential polarity of Winslow's approach is lost. The investors and managers of a continental East Indies company, and a party of casual labourers waiting to assist in landing a cargo on a Sussex beach, shared a common interest, but not in upsetting the social order. Peter Raban and A.G. Jamieson have produced perceptive essays on the Channel Islands' contraband trade,

identifying the leading merchant families concerned, locating the agents based in England and Wales, and tracing the distribution networks for goods and monies, confirming the involvement of London finance houses in illicit trading, if only through the provision of services. These studies, and John Bromley's work on privateering, show how smuggling could be an integral part of the local economy and David Starkey opens up the prospect for a broader approach to the interlocking relationships between legal and illegal commerce.²⁶

Frances Wilkins has collected copious material on Manx and Scottish smuggling, and the letters of George Moore, an eighteenth-century Manx merchant, provide evidence of symbiosis between smuggling and respectable trading.²⁷

The intricacy of these arrangements, inspired by the quest for profit, merited more attention from Paul Monod, intent on connecting the rapid growth of smuggling from the 1690s with the Jacobite diaspora:

Jacobitism contributed to a major change in smuggling practices, through the lure of new commercial opportunities, and through the advantages of association with a broadly based political movement. As a result, a substantial portion of the smuggling trade was transformed from a loosely structured local pursuit into a widespread network of relatively coordinated enterprise.²⁸

Jacobites certainly took up residence in continental Europe and engaged in a range of maritime enterprises. Needing to maintain correspondence and move agents into and out of Britain, the politically motivated exiles recognised

the smugglers' potential as carriers, while the trade itself could provide good cover for the transfer of monies raised for the cause. There was evidence of support for the Pretender among the smuggling gangs on the south coast, but the Stuarts threatened the political settlement and the Hanoverian succession, not the unequal distribution of wealth and power among the social orders. Monod is well aware that his analysis conflicts with Winslow's, and that:

The commercial world of Jacobite smuggling, saturated as it was with high Toryism and Roman Catholicism, may puzzle those who insist on simple ideological distinctions, but it helps to explain how hierarchy and paternalism survived amid the hurly-burly of the so called consumer revolution. It offers an example of an alternative pattern of commercialization, in which spreading luxury could be reconciled with social conservatism and with crime.²⁹

Cal Winslow, notes the possible Jacobite connection in Sussex, and suggests the Duke of Richmond's detestation of smuggling was in part a reflection of his fanatical anti-Jacobitism. The conservatism and traditionalism associated with support for the Pretenders might be contrasted with the advance of commercial capitalism under Whig and Hanoverian auspices, and recognising the difficulty of reconciling the idea of the smuggler as social rebel with the picture of him as Jacobite devotee, Winslow retreats into uncharacteristic caution.³⁰

A problem for both Winslow and Monod is that the smugglers were more interested in making money than redressing social injustice or reversing the accidents of political history. Dermigny, discussing the Scottish and Irish merchant houses in France, the Netherlands and Scandinavia, notes that not all of them were involuntary exiles; business opportunities provided the incentive, while professions of loyalty to St Germaine cost nothing and could have helped win customers.³¹ L.M.Cullen's study of Irish smuggling and the French connection describes how merchant houses of Irish origin, such as the Galways, Guillaume Clancy, Jacques Maculloh and the Parks, established branches at L'Orient, Nantes and Belleisle and arranged for contraband tea, brandy and gin to be brought to Roscoff for sale to the smugglers operating out of Port Rush.³² Much of the traffic Cullen describes was taking place in the third quarter of the eighteenth century, when Jacobitism was little more than a sentimental attachment to a lost cause. Monod discusses the role played by the exiles in helping set up the Ostend Company and its 'successors' in Sweden, Denmark and Prussia. He also identifies Jacobite merchant houses in Spain, France, the Austrian Netherlands and Scandinavia.³³ Effective commercial networks depend on trust, repeated successful transactions, reciprocity, personal contacts and reliable information. A case can be made for shared religious and political convictions facilitating collaboration between companies in different countries, but a difficulty with Monod's case, as with

Winslow's, is its narrow regional focus when examining English smuggling. Recording the movement of contraband across, or near the estates of known Stuart sympathisers, and identifying some Jacobites directly concerned in running goods in Hampshire and Sussex, does not substantiate the claim that Jacobitism provided the organisational infrastructure needed if smuggling was to flourish in the first half of the eighteenth century.

A survey of the existing academic literature reveals significant differences in approach and wide areas of disagreement, but no true debate. Limiting his field of enquiry to the Sussex gangs in the 1730s and 1740s, Cal Winslow readily accepts the Muis's case for smuggling 'promoting the international and domestic trade of the kingdom.' The freetraders 'both resisted and enhanced the development of capitalism.'³⁴ If the contraband trade underwent an organisational transformation over the mid-century years, Winslow would have a defence against the charge of obfuscation, but just as the Muis neglect the perpetuation of violence associated with the smuggling runs, so Winslow avoids any in-depth discussion of how the contraband trade was managed in continental Europe. Broadening the geographical and chronological scope of investigation will provide a basis for a less impressionistic assessment of changes and continuities. It will also provide the evidence needed to evaluate Frank McClynn's assertion that:

sanguinary crusade against them was atypical of elite response.³⁵

McLynn could be right, but while he is ready to question the smugglers' credentials as social criminals, he remains dependent on Winslow as the one historian who has conducted detailed research on English smuggling gangs in the first half of the eighteenth century. Whether Winslow's smugglers were 'atypical' or not, can only be decided through comparative studies, focused on other regions and different times. The same is true of social crime; unless based on some awareness of contemporary attitudes and norms, discussion of this phenomenon is likely to revolve around semantics and the modern observers' ideological perceptions. Peter Linebaugh stresses the importance of remaining alert to contemporary perceptions, and to exercise care when using analytical frameworks; they are not codes of practice for previous societies:

If we categorize them too quickly as social criminals taking from the rich, or criminal-criminals stealing from the poor, in the process of making these judgements we cloud our attentiveness to theirs.³⁶

II

Smuggling and Social Crime

Having noted the involvement of the gentry and aristocracy, the smugglers' transition into other types of crime, and contraband's 'ambivalent relationship to capitalism,' McLynn decides that 'all in all it is safe to conclude that there are better candidates for the title of social criminal than the "gentlemen" of the English coast.' Linebaugh has recently reiterated the view expressed in Albion's Fatal Tree that there is no 'tidy distinction between "social crime" and "crime without qualification," where the former receives popular support and the latter is merely deplored.'³⁷ The financial imperatives which shaped the contraband trade do create difficulties for Winslow's portrayal of the smugglers as defenders of their local economies against the development of commercial capitalism, but the smuggler as social criminal is not to be dismissed so easily if John Styles's delineation is used:

The eighteenth-century criminal law purported to classify man's actions as good or evil. Yet the didactic morality of the legislators was not necessarily shared by those subject to their laws. Many practices which were defined in law as criminal were considered legitimate by various, broad sections of the public. Smuggling, poaching and wrecking were all forms of illegal appropriation which were redefined as legitimate, both by men of middling rank and by the poor.³⁸

John Rule uses the same definition; a social crime is 'a criminal action which is legitimised by popular opinion.' Whatever reservations there might be in classifying other offences, such as rural arson and cattle maiming, 'smuggling, wrecking, poaching and related activities were not held to be crimes in the popular view, no matter by whom committed or in what circumstances.' The problem of deciding the reference group is acknowledged, and the need for it to correspond to 'something much larger than deviant sub-cultures,' but Rule's resolution of the dilemma is disappointingly vague, 'the basis of the reference group in all cases is simply the lower orders, "the people."'39

The concept of social crime provides another framework for the examination of smuggling. The freetrader, bringing duty-free goods at affordable prices, was a popular figure, in some quarters. There were towns and villages in which smuggling was practised by a significant proportion of the population, as at Dover and Harwich, where the packet boat crews made the most of their opportunities, or Deal, the last anchorage for returning East Indiamen before they entered the Thames. Yet attitudes towards the smugglers could be varied, even within a small community. Those benefiting from illicit trade did not sanction everything the smugglers did, while others might well have had cause for resentment. Rule's reference group would include the porters, boatmen, extra-tidesmen and other casual workers taken on by the revenue services, and permanent employees,

such as the crews of the revenue cutters. There was corruption and collaboration, but this could be due to intimidation, or fear of disclosure of past indiscretions, or financial need. Normally law-abiding innkeepers were forced to buy smuggled spirits simply to remain competitive, then found they were compromised and could not risk refusing the use of their premises for storing contraband. Customs officers felt that the magistrates in Kent and Sussex were reluctant to enforce the revenue laws, but the justices were influenced more by fear of retaliation and an appreciation of the problems of effective policing, than by any real sympathy for the smugglers. County magistrates, gentry and squarsons for the most part, were not of the lower orders, but correctly identifying the social status of some of the boat owners and fishermen who became jurats in the Cinque Ports and burgesses in the Suffolk and Norfolk coastal towns, is no simple matter. The authors of Albions Fatal Tree focus on popular opposition based on tradition and customary rights, threatened by new statutes designed to enhance the position and control of the propertied ruling elite. John Styles argues that in the case of the Yorkshire counterfeiters, there was no tradition to uphold, but the government's failure to address the problem of a shortage of specie meant the local money makers were seen as providing an essential service.⁴⁰

The same was true of smuggling. It had been practised ever since the imposition of duties and prohibitions made it worthwhile, and the Kentish owlers engaged in the clandestine export of wool, formed armed gangs in the second

half of the seventeenth century, but it was the increases in rates to help fund the wars against Louis XIV which made smuggling a major activity, pursued in all the maritime counties.⁴¹ Aware of the capitalist features of the trade, and the limitations of customary usage as a legitimating formula, Winslow concentrates on the authorities' actions against 'the poor smugglers who ended up on the gallows.' These were the men concerned in 'the traditions of resistance carried on by the poor, to the laws and institutions of their rulers.'⁴²

Eric Hobsbawm characterises bandits as 'Men who are unwilling to accept the meek and passive social role of the subject peasant; the stiffnecked and recalcitrant, the individual rebels. They are men who make themselves respected.' Winslow ascribes the same attributes to his smugglers, men striving to escape from 'everything that defined the life of the rural labourer or village artisan.'⁴³ The prospect of an enforced return to dependency and social subservience could explain why some smugglers risked hanging or transportation rather than simply fading from the scene as the government stepped up its policy of repression in the mid-century years.

Sussex Smugglers draws attention to the rage which lay behind some of the smugglers' actions. A substantial cut in the excise on tea in 1745 raised demand for the legal product and complicated life for the smugglers, yet the intensity with which the Sussex men defended their interests testifies to more than economic self-preservation.

The attack on Goudhurst, breaking into the King's warehouse at Poole to recover a cargo, and the subsequent murder of a potential informant and his escort, were sure to provoke a response from the authorities sufficient to jeopardise future contraband operations.⁴⁴

According to Rule, smuggling should not be correlated with banditry, where 'popular acceptance rests on the man and not on the action itself':

Armed robbery and kidnapping can not in themselves be always acceptable. They are justified by the fact of their being committed by certain persons against certain persons or institutions. It is for this reason that elaborate mythologies of the Robin Hood kind grow up: they are intended to put their hero in the right, irrespective of the crimes committed. The bandit is seen as the victim of oppression and a justified rebel against authority.⁴⁵

Other offences 'smuggling, wrecking, poaching and related activities were not held to be crimes in the popular view, no matter by whom committed or in what circumstances.'⁴⁶ Yet when it comes to looking at particular smugglers and their crimes, Rule wonders about the limits of popular exculpation, the torture and killing of William Galley and Daniel Chater in the aftermath of the raid on Poole warehouse, producing doubts. 'Violence of this kind raises questions. Galley was a customs officer but Chater was not. Were the populace of the coastal districts acquiescent to smuggling only from fear?' Answering his own question,

Rule suggests the Hawkhurst gang's violence was extreme, and they were the only smugglers to have a 'citizens' vigilante band' set up to resist them. 'Violence may have been used more as a deterrent against locally deviant behaviour such as informing for money. It does not therefore follow that popular support rested on fear.'⁴⁷ There is no disputing the rigour with which the Hawkhurst smugglers plied their trade, but the evidence cited by Rule is inconclusive; the 'East countrymen' as they were called, made up only a quarter of those present at Poole, and William Jackson and William Carter, instrumental in the deaths of Galley and Chater, were Hampshire men. ⁴⁸

There were contemporary accounts which referred to the smugglers in terms of 'gangs' and 'companies' with a clear command structure. More detailed reports submitted by revenue officers suggest less formal arrangements and a network linking professional smugglers across eastern and southern England, from the Lincolnshire coast to the Isle of Purbeck. McClynn insists 'the plebeian social origins of the Sussex smugglers of the 1740s have been definitively established,' but Winslow is less positive in his conclusions, recognising the over-use of the term 'labourer' in the legal records, and the superior status accorded to wealth and property, whatever the origins of the possessors.⁴⁹ Arthur Gray, a prominent Hawkhurst based smuggler, was thought to be worth £10,000 while his brother William and James 'Trip' Stanford, another 'gang leader' active on Romney Marsh in the 1740s, owned houses worth

£1,200. David Boys and John Hatch, Crown debtors in the Fleet for a brief period, owed £25,515 and £10,500 respectively, a reflection of the scale of their illicit dealings.⁵⁰

Confining the debate to Winslow's chosen time and area, and devising a critique of his ideas on social crime derived from other, broadly sympathetic historians, it becomes clear there is still much to be studied. All definitions of social crime involve assessment of communal sentiments, particularly those of the 'lower orders,' but Winslow was reduced to quoting Richmond and Sir Cecil Bishop as evidence of popular attitudes towards smuggling.⁵¹ Extending the scope of enquiry, and regarding elite responses as a legitimate field of study in their own right, will be a step towards a more securely based assessment of eighteenthcentury norms and mores. Rule's plenary indulgence for all crimes committed under the imprimatur of smuggling, 'no matter by whom committed or in what circumstances,' requires careful scrutiny.

Raising revenue and protecting economic interests were not the only reasons for commercial controls: munitions of war were denied to potential enemies, embargoes were used in support of diplomatic pressure, and food exports were prohibited at times of dearth in an effort to avert riots. Grain, livestock and dairy produce had been exported since the sixteenth century, despite royal prohibitions. Port officials participated in, or connived at these transactions, issuing clearances for coastal shipments while knowing full well that the cargoes were destined

for the Netherlands, France or Spain.⁵² Local people, incensed by the sight of food leaving the ports when they faced the prospect of hunger, resisted attempts to load vessels, boarded them to requisition cereals, or blockaded harbour entrances. William Owen, a Welsh smuggler, described how he opened fire on a crowd when they came aboard his ship at Cardigan, searching for grain, and William Frost, active in the contraband trade on the Kent and East Anglian coasts, had sacks of meal taken out of his vessel as it lay alongside the quay at Colchester.⁵³ Controls had been relaxed in 1728 to help speed up shipments to areas of need and it was not long before the Customs Commissioners were receiving reports that 'great quantities of tea and brandy are put on board several vessels laden with corn at Rotterdam, having concealments made on purpose, in order to run their goods on the coasts of this kingdom.'⁵⁴ During the food crises of 1757 and 1758, when demand for war supplies worsened the shortages caused by bad harvests, it was believed grain was being exported in defiance of the embargo, confirmed by the toll registers for ships passing through the Danish Sound which show that English cereals were being sent to Scandinavia.⁵⁵

It is unlikely these examples of entrepreneurial initiative would have won general approval. Other forms of contraband were integral to local economies and would have commanded popular support. Salt was essential to the fishing industry, but given the vagaries of the catches

there was not always enough on hand. In those circumstances the fishermen and fish packers could not always afford to wait until an approved consignment arrived. Richard Cunnack and three of the Oxman family from Penzance found themselves in this situation in August 1780. A Danzig ship had put into the port carrying a cargo of French salt, and the local fishermen were keen to buy. They were concerned to learn it was illegal:

there was such Quantities of Fish then inclosed in the netts in the Water, a large Quantity lying on the Beach & in the Fishermens Cellars Perishing for want of Salt to cure them and none to be got even at any Price in this Port, St Ives or any other place in this neighbourhood.

They went ahead and bought £70 worth, all of which was used in curing pilchards. The Crown would have lost at most, £7, and the fishermen 'had hoped the Necessity was so very Great no notice would have been taken of it.' The costs of landing the salt clandestinely came to more than they would have paid in duties. The mayor and eighteen other fishermen certified that no salt had been available before the Danziger came into Penzance, and now Cunnack and the Oxmans faced prosecutions by the Customs Commissioners and the Salt Office.⁵⁶

This particular case could be an instance where smuggling proved vital to the well-being of the local economy, and was certainly approved by a significant sector of the community. At the same time the revenue officials were not being totally unreasonable in refusing to overlook this infringement. Salt smuggling was not a major aspect

of the contraband trade in Britain, but it was a profitable sideline. In May 1789 John Phillips, master of the Success was given permission to unload a cargo of salt 'designed for the use of the Pilchard Fishery.' The Penzance Collector then received information the salt was not foreign, but 'Fine British,' intended for the table, and this was a way of avoiding the salt tax. When the revenue officers tried to board the Success they were 'ordered to leave...on pain of their lives, and having quit the sloop, watched Phillips take her out to sea.' The salt already landed was deposited in Charles Carter's cellar; the Carter family ran a major smuggling business bringing contraband into Cornwall from Brittany and the Channel Isles. Efforts to seize the salt were 'violently obstructed' and it was later taken away by the smugglers. The Penzance Collector described Prussia Cove, the site of the Carters' operations as:

a most notorious place for Smugling[sic] and Surrounded by a very numerous set of daring and abandoned Fellows who we are well convinced would take the greatest pleasure in knocking out the Brains of any Officer or Officers that should venture to come near them, unless protected by a Military Force.⁵⁷

The Carters provided employment, fitted out privateers during the American War of Independence, and supplied the Cornish tinnerns with cheap brandy. It could be argued that they too were defending the local economy but what is evident is the distinctions which existed within one type of supposed social crime. A survey of attitudes towards smuggling during the eighteenth century indicates that public opinion

was volatile. A brutal assault on the revenue officers might result in outrage or indifference; one jury could send a proclaimed smuggler to the gallows, as long as the procedures laid down in the 1746 Act were strictly followed, while another would acquit a proven killer, seemingly because he was a 'freetrader.' Local circumstances can help explain these very different responses, but having to attend to such detail complicates arriving at a satisfactory definition of social crime.

III

Intentions and Directions.

Whether members of an organised gang, pursuing a business and satisfying a large market, can be adequately described as social criminals, is, to say the least, a moot point.⁵⁸

Clive Emsley's caution concerning poaching for profit is equally appropriate when dealing with smuggling. It has been presented as a commercial enterprise, involving merchants, financiers and the great continental companies trading to the Far East, and as an armed conflict, with gangs of contrabanders on the one side, and the forces of the revenue on the other, part of the class war in which rebellious rural proletarians challenged the authority of government and the hegemony of a propertied elite.

One purpose of this study is to examine the validity of the distinction between smuggling as a commercial enterprise and as a criminal conspiracy. Changes in scale do not necessarily entail changes in kind; developments and continuities in illicit trade need to be identified before agreeing there was the mid-century divide claimed by the Muis and accepted by Winslow.

The activities of the Dutch and French East India Companies in the eighteenth century, and the creation of new maritime enterprises in the Austrian Netherlands, Scandinavia and Prussia, were linked with the insatiable British thirst for tea and the instinctive reluctance to pay for a heavily taxed commodity. Illegal importation and exportation into and out of the British Isles needs to be located within an international market. Tracing the origins of the different types of contraband, and how it came to be lodged in continental ports and Britain's offshore islands, shows the interdependence of the different sectors of the trade, and focusing on the wider commercial and financial dimensions in the period between the Treaty of Utrecht and the outbreak of the Seven Years War exposes the fragility of the Muis's position, for even if 'smuggling into Britain before the 1760s was mostly dominated by many small-scale local importers with little capital or credit,' that stage in the proceedings needs to be located within the wider network linking the different agents concerned in the acquisition, transportation and distribution of illicit goods.⁵⁹

Comparing the Parliamentary reports of 1733, 1744 and 1783, certain common concerns and suggested remedies emerge: fears for the revenue and the breakdown of public order in the maritime counties, and proposals to reduce duties, strengthen the preventive forces, and increase penalties for offenders. Following the 1784 Commutation Act, Pitt put governmental authority behind a scheme to deny the smugglers their supplies through purchases at the continental auctions, and the same stratagem was employed by the East India Company in the late 1740s. Schemes to defeat the smugglers by cornering the market went back to 1729 when the Company's supercargoes were instructed to corner the market by buying all the green teas available at Canton, a ploy which left its London warehouses overstocked in the early 1730s.⁶⁰

Another step urged on government was the extension of effective Treasury control to the Isle of Man and the Channel Isles, major entrepôts for the contraband trade, providing repositories for wines, spirits, tobacco and tea. Smuggling was integral to these islands' economies and they present something of a dilemma for the concept of social crime. Condoned by the island authorities and promoted by the local elites, the contraband trade would appear to lose its status as either social crime or criminal-crime when practised in Britain's offshore havens. The reference group in these instances was not 'the lower orders', or 'the people', but the whole society. The islands

were different, enjoying considerable independence from the national government, but the complexities of the links between governmental bodies merit close attention, whether dealing with Man, the Channel Isles, the vestigial privileges of the Cinque Ports, or the relationships between magistrates and government offices, often complicated by contrasting views on the most effective ways of applying the laws.

This theme is taken up in chapter three, where the revenue services, the Customs in particular, are placed under scrutiny. Charges of corruption and collusion were frequently levelled against their personnel, and with some justice. Yet before rushing to judgement, it is as well to look at the issues of recruitment and appointment, and to ask what incentives there were to honesty and diligence. Just as illegal trade penetrated the legal market, until a state of interdependence prevailed, so smugglers and revenue-men needed each other. The importance of the informant to the business of law enforcement is hard to exaggerate, and the smuggler prepared to peach on his associates was the mirror-image of the revenue-man bent on maximising the perks of office.

Officials could find themselves concerned in a number of social networks and trying to meet the requirements of different institutions. John Brewer takes issue with those historians who suggest that 'the *raison d'être* of the executive was to provide outdoor relief for the political classes.'⁶¹ It is easier to unearth examples of malfeasance

than to reconstruct the workings of the administration, but the fact remains that appointments to the revenue services were made to secure votes, satisfy clients, strengthen ties within the social elite, and build trust between the different tiers of government. The ideal of the impartial, incorruptible bureaucrat is evident in contemporary criticisms, but the prospects of extensive reform were limited. Fraud, bribery, time-servers and sinecurists were all to be found in eighteenth-century administration; there were areas of inefficiency and incompetence within the Custom houses needing to be addressed, but structural changes and procedural advances would have had little impact on the problem of smuggling, as perceived by the Riding Officers, and the crews of the revenue cruisers. Their concerns had more to do with loaded whips and loaded carbines than with the intricacies of double-entry book-keeping. The shootings, beatings, kidnappings and affrays associated with smuggling merit close attention, given the claim by Lawrence Stone that the homicide rate in any society is an accurate indication of overall levels of violence in society and the lack of attention to its other manifestations.⁶²

Neville Williams's broad survey of the contraband trade, in which he shows just how pervasive was the use of violence, might have given McLynn pause for thought before asserting the uniqueness of the Sussex smugglers in the 1740s. Levels

of violence were greater in the 1770s and 1780s than in the earlier period, and if it was 'purposive', it could not have been 'atypical.' The objective was to resist seizures and arrests, and impress or intimidate local communities. There would have been men with a predilection for mayhem, but if violence is seen as a rational response to the situation the smugglers found themselves in, it was probable similar patterns would be repeated whenever and wherever the contrabanders felt threatened by the authorities.

The concluding chapters address the issues of policing and application of the law. The army's part in the suppression and containment of riots has been studied in some depth, but the focus has been on its occasional use as a policing body, and the inference has been that general hostility to a standing army, extending from the governing elite to the populous at large, inhibited any development of the the military's policing role.⁶³ J.A.Houlding has drawn attention to the long spells on coastal duty suffered by some regiments.⁶⁴ 'Aid to the revenue' included regular patrolling, providing support for searches and seizures, escorting captured smugglers to the county gaols, and of course, engaging the gangs in firefights. John Brewer has found evidence of more covert operations; 'Soldiers disguised themselves as traders to catch the sellers of smuggled goods and spent long hours tracing smugglers in order to win the financial rewards offered for their apprehension.'⁶⁵

To be effective, the army needed the co-operation of the revenue officers, who were themselves often active in local politics. There was friction, mutual suspicion, and recriminations when operations went wrong, but the fact that the army was providing something approaching a permanent police force, as opposed to performing riot duty as and when called upon, is what deserves attention. How successful they were as a deterrent, or even in a combatant role, is open to question.

Peter Linebaugh has expressed regret that since the opening up of the debate in Albion's Fatal Tree and E.P.Thompson's Whigs and Hunters, the history of crime has been 'increasingly transformed into the history of administration or 'the machinery of justice.'⁶⁶ Yet Linebaugh himself says that 'for London, there are fewer sources of information better than the vast documentation left by the criminal courts.'⁶⁷ Why these records should be distanced from the administrative organization which brought them into being is unclear, and the London hanged are certainly located securely in Newgate, the Old Bailey and the tumbrels on the road to Tyburn, all stages in the institutional process. Eighteenth-century law and the workings of the courts can be a morass for the inexperienced. J.A.Sharpe has suggested that an effective working definition of crime is 'behaviour which is regarded as illegal and which, if detected, would lead to prosecution in a court of law or summarily before an accredited agent of law enforcement.' Yet even when we understand how 'crime was defined by the relevant institutions of the society experiencing it,' there remain great tracts of uncertainty.⁶⁸

Were the revenue officials justified in their complaints of prejudiced juries in maritime counties, or can the verdicts in cases involving smugglers be explained by reference to the trials themselves, the nature of the evidence, the way it was presented, the quality of witnesses, and the guidance of the judges? What does emerge is the danger of generalisation, and acceptance of the notion that smugglers were folk-heros, shielded from the gallows by juries ready to excuse any offence, provided it was committed in furtherance of free trade. Convicted smugglers would appeal for clemency, protesting their innocence, promising future good behaviour, and demonstrating a shrewd awareness of the workings of the system, where notions of 'good lordship' still informed the networks of clients and patrons. There were clear divisions in the smuggling 'war.' Law enforcers and law breakers were in conflict, and pitched battles were fought between smugglers and preventive forces on land and at sea, but the history of the contraband trade needs rescuing from the over-simplification of the adversarial model. John Harvey was a prominent Suffolk smuggler, a member of the Hadleigh gang, active all along the East Anglian coast and suspected of killing a dragoon during an affray. After a career stretching over fifteen years, Harvey was tried at the Old Bailey in October 1747 and sentenced to seven years transportation.

According to his story, the ship carrying him to America was captured by a privateer and he was taken first to Spain, and then to Jamaica, in an exchange of prisoners-of-war. The ship's captain then offered him a passage back to England and, thinking of his wife and seven children, Harvey returned, only to be taken up again and confined in Yarmouth gaol. 'Resolved to make all possible Attonement', and to save his own life, Harvey betrayed his former associates. He provided information enabling the excisemen to bring in Robert Clark, James Arlington and Robert Baldry, then:

having further received Intelligence of several Outlawed Smuglers who had actually been concerned in committing divers Burglaries and Robberies and other Acts of Violence in the...Counties of Norfolk and Suffolk acquainted Mr Robert Flamwell an Officer of his Majestys Revenue of Excise therewith and proposed that...Flamwell should go to Hadleigh in Suffolk where he might apprehend them or some of them, who accordingly went thither for that purpose; And your Petitioner also sent his Wife thither in order to get more particular Intelligence of them in order to inform ...Flamwell thereof.⁶⁹

Francis Mayhew, one of the outlaws, was arrested and afterwards tried and executed at the Suffolk assizes. It was not 'their compatriots' who turned King's evidence against the smugglers, but their associates. If 'In normal circumstances...the solidarity of the smuggling communities was remarkable,' it might be asked why it was necessary for that solidarity to be 'buttressed by systematic intimidation.'⁷⁰

2The difficulty for those intent on portraying the smuggler as folk-hero, is that so many of them had well developed survival instincts. 'Devil take the hindmost', was the only general guide to conduct once a smuggler was arrested on felony charges. John Harvey evidently felt that putting his wife at risk, as part of a scheme of systematic betrayal, was a commendable course of action, and expected the authorities to regard the matter in the same light. As Linebaugh says, we need to be careful to distinguish our perceptions from those of past societies.

IV

The Statutory Framework.

Governmental effectiveness is not to be measured by a propensity for enacting new legislation, but the various Acts of Parliament introduced in an attempt to contain illegal trade provide a guide to the intentions and anxieties of the administrators and may also indicate the relative importance attached to particular problems at different times. The principal areas for concern were fraud, corruption, the clandestine landing of contraband, and the assaults and obstructions experienced by the revenue officers. The statutes were designed to define the nature of the offence, deter offenders, encourage officers and informants, and assign cases arising from the revenue laws to the most appropriate courts. Whether intentionally or not, the passing of new laws, while leaving existing ones in place, afforded the revenue commissioners and the officers a considerable degree of choice as to just how a smuggler might be punished.

The legislation was descriptive as well as prescriptive, including explanations for measures advancing the policing role of government and impinging on individual rights.⁷¹ In justifying the laws, the legislators draw attention to the continuities in the smuggling trade. Violence, and the supposed uniqueness of the Sussex smugglers in the 1740s, are the subject of detailed discussion in chapter three, but a study of the Acts of Parliament alone should lead to the Wealden gangs being placed in better perspective. In an Act passed in 1662 reference was made to the Customs officers being:

hindred affronted abused beaten and wounded to the hazard of their lives in the due execution of their several trusts and services in their respective places by armed companies and multitudes of men and goods prohibited and uncustomed have by force and violence as well by land as by water been forcibly carried and conveyed away.

Justices of the Peace were empowered to commit offenders to the nearest gaol, to await trial at the next quarter sessions. The court could impose a fine of up to £100, and the culprit was to remain in prison until the fine was paid and the Exchequer discharged them, or they should 'discover the person that set him on work and he may be legally proceeded against.'⁷²

An Act in 1722 was directed against the armed gangs, so much a feature of south coast smuggling in the years after the end of the War of Spanish Succession. All those found within 20 miles of the sea, in company with five or more, bearing arms and carrying contraband, were to be 'deemed and taken to be runners of foreign goods and

communities'. Resisting the Customs and Excise officers' attempts at seizure was made a felony, and conviction at the assizes entailed seven years transportation to America, those returning before expiry of sentence 'to suffer as felons without benefit of clergy.' By contrast, individuals resisting or recovering seizures of contraband spirits were to face a fine of £40.⁷³

Sir John Cope's Commons Committee, reporting on the state of smuggling in 1733, stressed the 'insolence' of the parties of riders who:

carry on their wicked practices by force and violence, not only in the country and remote parts of the kingdom, but even in the city of London itself, going in gangs, armed with swords, pistols and other weapons, even to the number of forty or fifty, by which means they have been too strong, not only for the officers of the revenue, but for the civil magistrates themselves, who have not been able to put a stop to these pernicious practices, even by the assistance of such regular forces as have been sent to their aid and dispersed along the coast at the request of the gentlemen of the county.

The Customs and Excise cruisers and patrol boats had found it impossible to effect boardings on the heavily manned smuggling cutters, nor had the naval sloops 'been hitherto able to deter them.'⁷⁴ The 1736 Indemnity Act developed these themes, noting the 'divers dissolute and disorderly persons' operating in large gangs 'carrying firearms or other offensive weapons to the great terror of His Majesty's subjects and the hindrance of the civil officers and the officers of Customs and Excise.' The act of being assembled and armed, whether in possession of contraband or not,

was made a felony, punishable by seven years transportation to America. Any justice of the peace, given information on oath that three or more armed smugglers were out together, could grant a warrant for their arrest, to be executed by posses raised by the officers of the peace, and commit the suspects to the county gaol until the next assizes.

There were magistrates prepared to act on informations laid against smugglers, but the arrests were usually carried out by the revenue officers, often acting with military support.⁷⁵ The Crown's legal officers were ambiguous in the advice they gave respecting the use of force in any encounters with smuggling gangs, and the legislature tried to clarify the position. Outnumbered by the gangs running their goods 'in a public and avowed manner, and with an armed force,' the revenue officers were either deterred from doing their duty, 'or in doing it are beat, wounded, maimed and frequently murdered.' In future, if the smugglers offered armed resistance to seizures:

it shall and may be lawful for all Officers of His Majesty's Customs or Excise and all persons by them called to their assistance, who are so resisted, to oppose force by force, and to endeavour by the same methods that are violently used against them, and by which their lives are endangered, to defend themselves and execute the duty of their office.'

If anyone was killed or injured as a consequence of officers defending themselves, and the outcome was a prosecution or a civil action, 'such officer and officers and persons acting in their assistance shall and may plead the general issue' and cite the 1736 Act in their defence.

In an ambitious attempt to restrict the roles of judge and jury, Parliament instructed jurors presented with such a defence 'to find for the defendant or defendants.' The trial could be conducted at the assizes in any county, the choice lying with the revenue commissioners.⁷⁶ The rationale behind the 1746 Act was similar; armed gangs were riding about the country at will and the revenue men went out on duty in fear for their lives. The smugglers were undermining the fair traders, depriving the Exchequer of its dues, and terrorising 'His majesty's peaceable subjects, in defiance of the laws, and to the utter subversion of all civil authority and power whatsoever.'⁷⁷ Cal Winslow compares the 1746 Act with the Black Act, passed in 1723 against the poaching gangs taking game in the royal parks and forests.⁷⁸ The scale of the 'Blacks' activities, and the challenge they presented to the established order, were considered sufficient grounds for the severity of the 1723 statute.

The measures were identical in the way they dispensed with the need for juries to assess the evidence relating to the initial felonies, whether related to smuggling or the various offences linked with stealing the royal deer. Anyone guilty of an offence under the Black Act was supposed to surrender themselves to a justice of the court of Kings Bench, or one of the justices of the peace for the county in which the crime was committed. Those failing to surrender, confess, and inform on their associates 'being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without

benefit of clergy.' Those complying in full with the terms of the Act could expect a pardon and a discharge, but those declining the opportunity of turning King's evidence were to be denied a hearing. If an informant went before two JPs and accused someone of contravening the Black Act, they were to send the statements to the Secretary of State, who would present them to the Privy Council, who were authorised to issue an order requiring the culprits to surrender to a King's Bench judge or a JP. The order was to be published in the London Gazette, and sent to the sheriff of the county where the offence was committed. It was to be proclaimed in two market towns near the location of the crime, and a copy displayed in a prominent position. Those failing to surrender within forty days of proclamation:

shall from the day appointed for his or their surrender...be adjudged, deemed and taken to be convicted and attainted of felony, and shall suffer the pains of death as in case of a person convicted and attainted by verdict and judgement of felony, without benefit of clergy.

On production of the Order in Council, the King's Bench, or the judges on assize in the county could 'award execution against such... offenders, in such manner, as if...they had been convicted and attainted in the... court of kings bench, or before such justices of oyer and terminer, or general gaol delivery respectively.'⁷⁹

The identical formula was used in the 1746 Act. Smugglers accused of any of actions defined as felonies in the various statutes, could be proclaimed, arrested, brought before

the court, convicted and hanged on the basis of an information sworn by a single witness.⁸⁰ There were other common features; anyone harbouring a proclaimed Black after the period of forty days was liable to a charge of felony, as were those protecting smugglers failing to surrender themselves. Those suffering from the depredations of the Blacks could claim compensation from the inhabitants of the hundred in which the damage was done, while revenue officers, or their executors, were empowered to seek redress for injuries inflicted on them in the course of seizures, and for the loss of the goods.⁸¹

The 1746 Act was passed in wartime, and the manpower needs of the navy were reflected in its provisions. If no proceedings had been commenced against a smuggler before June 2 that year, either for running goods or assaulting the officers, then they would be 'acquitted, indemnified, released and discharged' on condition they enlisted before the end of September and served for at least two years. Desertion or early discharge would incur the penalties for previous offences, while any naval officer aiding a pardoned smuggler to avoid service was threatened with a fine of £500.

The 1779 Act was another wartime measure and it repeated the provisions of 1746; indemnities were granted to those who had belonged to armed smuggling gangs, or resisted the officers in any way. The term of enlistment was extended to three years, in either the army or the royal navy, while

the courts of quarter session were authorised to direct offenders into the armed services. Customs and Excise officers were empowered to arrest anyone helping to unship smuggled goods, any party of two or more 'travelling together armed or in disguise' and carrying more than 6lbs of tea or five gallons of spirits without a permit, and anyone resisting or rescuing a seizure. The culprits were to be taken before a justice of the peace and committed to gaol to await trial at the following quarter sessions. The court would hear and determine the case and in the event of a conviction, impose a sentence of hard labour in the house of correction for between one and three years:

But if such convict shall be deemed a proper person to serve His Majesty by land or sea, the Justices shall deliver him over to the proper officer. Persons adjudged to serve His Majesty by virtue of this Act shall not be discharged within five years nor suffered to avoid service.⁸²

The references to violence were less extensive than in previous legislation, but the situation was the same. Goods were being brought in, unloaded, and:

run, carried, and conveyed from the sea coasts through the country, as well by secret frauds and clandestine practices as by open force, and by gangs of daring and dissolute persons, armed with offensive weapons, and associated and assembled to carry into execution their evil and pernicious purposes in subversion of all civil authority and power whatsoever.⁸³

Five years later, when the Commutation Act was introduced, it was admitted that the existing laws against smuggling had not 'been sufficient to answer the good purposes thereby intended, that pernicious Trade having of late been greatly

increased.' Particular note was made of the size and strength of the smugglers ships, as well as the 'numerous gangs...endangering the lives of the officers of the Revenue...by their great violence.' Much of the detail of the Act was drafted in response to the specific difficulties being met by the commanders and crews of the cruisers, who were coming under attack from small arms and cannon on shore, deployed to cover the smuggling runs. From September 1, 1784, anyone firing at 'any ship, vessel or boat belonging to his Majesty's navy, or in the service of the Customs or Excise' was to be charged with felony and sentenced to death if convicted. Resisting the officers, wounding, beating, or shooting at them, 'in attempting to go on board, or being on board any ship or vessel' within the limits of a port, or four leagues of the British coast, was also made a felony, punishable by death, and any master, refusing to surrender a suspect, was to incur same kind of punishment as if the offence had been by him committed.'⁸⁴

The 1736 Act had tried to legitimise the use of deadly force by revenue officers confronted by armed and aggressive smugglers determined to keep their contraband. The clauses relating to the deaths of smugglers cut across the work of the coroner's court, where a verdict of murder or manslaughter provided the basis for indictment before the grand jury, and instructed the assize judge how he should direct the trial jury. The opposition to armed policing may not have been absolute, but it was a highly sensitive area, and executive intervention in the workings of the judicial system was better achieved through the network linking personnel in the various governmental institutions.

The Customs Commissioners sought clarification in 1771, prompted by incidents when smugglers had been shot at sea, and by the violence employed by the Irish wherry crews working along the Cornish coast. They were advised that it was permissible to pursue a suspect craft if it was sailing out of the limits of a port, but Edward Thurlow and Alexander Wedderburn declined answering the question as to the legality of firing into a smuggling vessel until it came to, or sank. The Commissioners pressed the legal officers for a firm ruling; if the smuggler not only refused to come to and allow a search, but engaged the revenue cruiser, killed some of the crew, and then attempted an escape, was the commander authorised to use his cannon, 'and will the Officers be justified in such Firing, tho' it be attended with killing any of the smugglers, or sinking their vessel?' They received no clear guidance and were told the question was 'so complicated that it can receive no answer that would not be as indefinite as the Question...We cannot help observing that it is not for the service of the Crown to state Questions of such moment with so much latitude.'⁸⁵ Unless Parliament was prepared to remove revenue service personnel and their assistants from the courts' jurisdiction, the problems associated with the use of armed force would remain. Nevertheless, the 1784 Act did attempt to give some protection to those on board the cruisers. If any ship should not bring to on being required to do so, or should be pursued by a revenue cutter flying its pendant and ensign, then the commander of the cruiser was legally empowered:

to fire at or into such ship or vessel, which shall not bring to after such flag shall be so hoisted... and such captain or other officer, and every person acting in his aid and assistance, and by his direction, shall be, and is hereby indemnified and discharged from any penalties or actions for damages for so doing.

If, as a result of firing, someone on board the suspected smuggler was killed or wounded, and the person firing the shot should be 'sued, molested or prosecuted, or brought before any of His Majesty's Justices of the Peace', then they were to be admitted to bail.

Seizures were so often accompanied by fierce resistance, that it would be artificial to separate these two aspects of the contraband business. Nor did the legislation consistently distinguish between illegal trading and the violence associated with it. The 1662 Act against the owling of wool and products linked with cloth manufacture, made it a felony to be 'aiding and assisting' in their illicit export, and anyone concerned could be prosecuted either at the county assizes where the offence was committed, or where the suspect was arrested. The owners, masters and seamen who turned informant, confessing to the Barons of the Exchequer or the nearest Collector of Customs, were to escape felony charges, but remained subject to the penalties imposed by the Act of 1660, including the loss of the vessels involved, and imprisonment for three months. Cases could be heard at the courts of record at Westminster,

the county assizes or the quarter sessions. Measures introduced in the reign of William and Mary imposed fines and confiscations on those carrying wool anywhere near the coast outside of permitted hours. The goods, carriages and vessels involved were all forfeit, and penalties of three times the value of the contraband wool could be levied. Owners and masters suffered financial losses, while those 'aiding and assisting' in taking wool out of the country faced a prison term of up to three years. Cases could be heard at Westminster, where the verdict would be given by a jury 'of good and lawfull freeholders, to be summoned out of any other county' than that in which the offence was committed.⁸⁶ The 1688 Act also anticipated the later provisions whereby the inhabitants of a hundred could be penalised for offences against the revenue laws committed within their districts, and Parliament was determined to check any informal arrangements. Informants who agreed to accept less than the full penalties from the hundred could be gaoled for five years, and the inhabitants could be sued again.

The various Acts established procedures to be followed by masters owners and merchants; defined the circumstances in which the officers could board, search and confiscate goods; stipulated where cases arising from seizures could be tried, and laid down the penalties for offenders and the rewards for informants. By the terms of the 1662 Act, masters were to report to the Custom house as soon as they berthed, there to declare their cargoes and register the details of their vessels, crews, voyages and owners. Failure

to do so meant the Collector could order the cargo brought ashore and stored in the King's warehouse. Transfer of goods from incoming ships to boats and barges, without a warrant and two officers being present, exposed the vessels concerned to confiscation and prosecution. The owners of seized goods could either pay the duties within the time limit, provide adequate security that payment would be made, provide evidence the goods had been previously condemned and acquired at auction, or reach an accommodation with the Commissioners and the Treasury. If the Board was not satisfied, they ordered that the goods be prosecuted in the Exchequer. In cases where the owners failed to appear, or the plaintiffs were unsuccessful in contesting the seizure, the goods were sold at public auction. The proceeds were used to meet the costs of prosecution, to reward informants, and augment the revenues.⁸⁷

The same Act empowered JPs to issue warrants for the arrest of 'any carman, porter, or waterman concerned in running goods', the culprits to be imprisoned until they found 'sufficient surety to be of good behaviour for so long time until... they shall be thereof discharged by the Lord Treasurer, Chancellor, Under Treasurer or Barons of the Exchequer.' A second offence meant a £5 fine, or two months in gaol 'without bail or mainprize.'⁸⁸ The 1736 Act increased the penalties; fines up to three times the value of the goods could be imposed, to be raised by a distraint warrant on the offender's property. If the sum raised proved insufficient, the justices were to order

the culprit be whipped and sent to the house of correction for up to three months hard labour. They could also commit to gaol anyone found lurking within five miles of the coast or a navigable river and suspected of being in some way concerned in a smuggling run. If the persons arrested could not give a good account of themselves and convince the justice they were 'not to be imployed or concerned in the carrying on any fraudulent or clandestine trade', they to were to be whipped and could be set to hard labour for one year.⁸⁹

The role of the JPs was expanded throughout the eighteenth century. They were given increased powers in dealing with the members of smuggling gangs and wider jurisdiction over seizures. Excisemen had been prosecuting seizures of foreign spirits before the magistrates since 1662; the same facility was extended to Customs officers in 1719, and warrants for levying penalties and forfeitures could 'be executed in any county, city town or place'. Four years later, tea, coffee and chocolate were placed under the jurisdiction of the magistrates.⁹⁰ Other measures were needed because of the practical problems faced by the officers prosecuting seizures in the Exchequer. Horses impounded for carrying contraband had to be kept until the hearing, and 'the charges of keeping seized horses, and of condemning...vessels, boats and horses was very great, whereby officers are discouraged from making such seizures and the smugglers encouraged in their illegal practices.' So from March 25, 1722, all seizures of horses, carts, and ships under 15

tons, were to be tried before two justices of the peace; subsequent Acts raised the limit for forfeiture to 30 and then 40 tons.⁹¹ These provisions created the need for further legislation in 1725, when the justices were instructed to appoint valuers who would appraise the seizures. Condemned goods, carriages and ships furnishings were sold at public auction, but the hulls were to be sawn up and burned.⁹²

The strategy was to contain illicit trade by confiscating the smugglers' means of conveyance if a court could be convinced they had been used for running contraband. In 1722 the preventive principle was extended when the Customs officers were empowered to seize all boats 'designed to be rowed with more than four oars' found in the ports of London, Ipswich, and Sandwich, and anywhere else on the Kent and Essex coasts or the river Thames.⁹³ There was no requirement to prove the craft had been used to carry contraband, and the owners lost their boats and up to £40 in fines. The requirement that the boats be destroyed was removed in 1736, if they were considered suitable for use by the revenue service, a provision which applied to all forfeited smuggling craft under 40 tons. The anomaly of a prohibition which only operated in three of the maritime counties remained in place until 1779, when the ban was made general, but only for boats rigged to carry six or more oars.⁹⁴ The Commutation Act brought in further restrictions, banning:

all boats, wherries, pinnaces, barges, gallies and other vessels which shall exceed twenty eight feet in length, from the fore part of the stem to the after side of the stern post aloft, and the extreme breadth of which shall measure less than eight feet.⁹⁵

The 1779 Act further strengthened the position of the revenue services by stating that no writ of delivery was to be granted out of the Exchequer for any vessel seized and forfeit under the law, unless the officer delayed proceeding to trial for three terms, 'and in that case, not without good security being given, in double the value of such ship, vessel or boat, to return the same upon condemnation, in order to be broken up, or used in HMs service'.⁹⁶

The problem was that the smuggling vessels were often larger, better armed, and more heavily armed than the revenue cruisers. With the American War of Independence over, there was no longer a compelling reason to maintain a substantial naval presence in the Channel and North Sea, while Pitt's fiscal reforms, aimed at undermining the smuggling trade by ending the profits to be made from contraband tea, were not going to produce immediate results.⁹⁷ As with the measures directed against fast-moving rowing boats and galleys, the objective was to deny the smugglers the use of vessels built for speed and manoeuvrability. Cutters, luggers, shallops and wherries, if clench built and fitted with running bowsprits, were forfeit. The ban included any vessel whose length was greater than three and a half times its breadth, those carrying any guns, other than a pair of muskets, 'or manned with a greater number of persons navigating the same, than ten for every hundred tons burthen by admeasurement.' The masters or mates in charge of ships armed with cannon and swivel guns could be committed to the county gaol for a year by any two justices of the peace, acting on a single information.⁹⁸

The re-enactment of existing statutes, and the increased penalties indicated a divide between legislation and law enforcement. This was evident when the authorities decided to move against the Deal smugglers late in 1784. Legal advice was sought on whether it would be lawful to seize a number of sloops, shallops and luggers, all of them clench-built, with running bowsprits. The problem was that there were 13 'unlawful' vessels drawn up on the beach:

The greatest part are kept in the Premises of Mr. J. Oakley, who is in the Commission of the Peace for the Town of Deal and in the Store Rooms belonging to the Boats and Vessels (which are also on the same Gentleman's Premises) are Carriage Guns and Chests of Small Arms, with which the People of Deal declare they will defend their Property that is the Vessels in question.

There were another 30 vessels, with the same clench work construction and rigging; they were about 30 ft long and very narrow, equipped to be rowed with four oars, and clearly designed to escape interception by the revenue patrols:

There are also a great number from 20 to 25 feet in length, in the same proportion, built and rigging, made to row as the above. Besides these there are not less than 40 to 50 long Galleys from 30 to 50 feet in length made to row with 6 and some with 8 Oars: these last are kept in private places with the greatest care and that many of these Boats have been used since the 1st October, the Officer says he has no doubt, altho' it is not in his power to prove it.⁹⁹

The Act did not state that vessels on shore and unrigged could be taken, but the boats there were forfeit under the 1722 Act. A combined naval and military operation was organised, and many of the Deal craft were destroyed, but

the smugglers along the rest of the Kent coast were alerted. When a search was conducted at Dover and its member ports only one boat was found 'which we judged could be deemed liable to seizure' under the 1784 Act:

We attribute our not being somewhat more successful in this business to the Owners of Clench built Vessels here having taken out Licenses for their Protection or having altered them in conformity to the Act and such Boats as were liable to forfeiture, were either disposed of or conveyed away to France and other parts to evade any seizure, and we have been informed the night after the performance of this service at Deal, which was immediately communicated to the Smugglers along the Coast, some few Boats in our Districts were secretly taken away before We received your Honours Orders.¹⁰⁰

The Act described the banned vessels in some detail, but failed to take into account the smugglers' adaptability, or the different usage of shipping terms from one area to another. Further legislation was introduced intended to clarify the position by stipulating the legal length for a fixed bowsprit.¹⁰¹ William Arnold, the Collector at Cowes, described the kind of problem facing the Customs officers. William Wenham's vessel, a 125 ton former privateer was suspected of running goods on the Isle of Wight and the Hampshire coast:

No person who has seen the vessel in question, altho' her bowsprit is fixed and of the legal length...has ever thought of calling her anything but a cutter, and we believe a more handsome cutter, or one apparently better calculated for fast sailing, never went to sea. That she is intended for smuggling there is no doubt.¹⁰¹

In 1792 the King's Bench had to adjudicate on differing interpretations of marine terminology. The Goodwill had a license from a Rye revenue officer, a former shoemaker who admitted 'he did not understand the distinctions between vessels of different sorts.' The vessel was clench-built, and had a running bowsprit, but was licensed as a sloop, and although used as a collier, was seized by Captain Barlow, a naval officer with a deputation from the Commissioners of Customs. Barlow argued that sloops were square-rigged, carvel-built, and had fixed bowsprits:

On the other side many witnesses, ship builders and others, swore that the distinction between a cutter and a sloop was that the latter, being intended to carry burthen, is more round in the body, carried the full burthen she measures, as the vessel in question, whereas a cutter being more pointed and acute in the shape of her body, in order to gain speed, does not carry so much as she measures, that the distinction in the rigging, and in being clench or carvel built, are often used indiscriminately by cutters and sloops.¹⁰²

The judge in the Exchequer court favoured the plaintiff, maintaining that the license made out by the Rye officer, though issued in error, should have protected the Goodwill against seizure, but the jury found for Captain Barlow. The Kings Bench decided there were grounds for a retrial, accepting the argument that licenses had to be drawn up accurately, otherwise the revenue officers would be subject to constant litigation, and that the Goodwill's owners should not suffer through the error of the Rye cobbler.¹⁰³

The vagaries of weather, and the vigilance of the preventive forces, meant that the smuggling cutters could not always deliver their cargoes at the agreed landing sites. The masters would then hover off the land, waiting on the winds and tides, and anticipating a signal from the shore once the coast was clear. In 1662, masters commanding incoming vessels were instructed to sail directly to the unloading quays in the outports, and not to take more than three days on their passage up the Thames from Gravesend to London. The penalty for non-compliance was a £100 fine.¹⁰⁴ The 1719 Act was directed against the spirit smugglers who sold their wares to fishermen, colliers and coastal shipping, as well as landing casks on the beaches. The revenue officers were authorised to board and search hovering vessels, and masters had to enter into a bond for treble the value of any brandy found on board. This would only be discharged when the master produced a certificate 'under the Common Seal of the Chief Magistrate in any place or places beyond the sea or under the hands and seals of two known British merchants' to the effect that the cargo had been delivered to a foreign port, 'taken by enemies or perished in the seas.' The revenue commissioners would decide whether or not to return the bond. French ships carrying coffee, tea, cocoanuts, pepper, spices, French silks and East India Goods, were known to be bringing in goods, ' And by reason of the said Vessels so Hovering Frequent Opportunities are found for Carrying

on the Clandestine Trade of Exporting Wool'. Again, the master had to enter into bonds, and if he did not proceed on his voyage within 20 days, weather and state of repair permitting, the officers could have the goods taken out and stored until the duties were paid.¹⁰⁵ The next piece of legislation, the 1736 Indemnity Act, was more draconian; masters of vessels found hovering within two leagues of the shore, carrying more than 6 lbs of tea on board, or brandy in casks holding less than 60 gallons, were to forfeit the tea and spirits. 'Foreign goods, taken in or put out of any vessel within four leagues of the coast, when the duties had not been paid,' were subject to seizure, with a fine of three times the value of the contraband and confiscation of ships under 100 tons.¹⁰⁶ In 1779 the legislature took into account the increased size of the smuggling cutters; any ship under 200 tons, bringing contraband into a British port, or lying within two leagues of the coast, was liable to forfeiture, along with its guns, 'furniture, tackle and apparel'. Masters of vessels with more than 100 lbs of tea or 100 gallons of spirits in unlawful containers, could be fined £300 . The boarding officers were authorised to arrest whoever had charge of the vessel, take them before a JP, and insist they enter into a recognizance 'with condition to enter an appearance in the Courts of Exchequer.'¹⁰⁷ The 1784 Act re-enacted these terms, but made any vessel suspected of hovering within four leagues of the coast liable to seizure and confiscation, irrespective of its tonnage.¹⁰⁸

Smuggling is rightly perceived as a form of violent organized crime, and it was the threat to order presented by armed gangs on land and at sea which inspired much of the legislation of the period. The smuggler as bandit or sea-dog, refusing to conform and challenging the authorities, is the model accorded the status of social criminal and potential folk hero. At the same time, the Treasury and the Commissioners were aware of the loss of revenue arising from frauds perpetrated by merchants, owners, officers, and crews, and furthered by the collusion of the employees of the Customs and Excise. If the emphasis is on 'organized', rather than 'violent', then the proletarian credentials of the contraband trade are again brought into question. The legislation provides a guide to the concerns of senior officials, and sometimes detailed accounts of the mechanics of deception, while the penalties indicate the seriousness with which the offences were viewed.

In 1720, as a quality-control measure, importers of wine which was found to be sour or contaminated, were offered compensation for freight of £4 per tun for French and German wines, and £8 for Iberian.¹⁰⁹ Wine merchants, shippers, and other entrepreneurs were quick to respond, and further legislation was needed:

great quantities of mean and corrupt wines have been imported from the Isle of Man, the freight whereof was inconsiderable, and staved for the benefit of the...allowances for freight and charges, contrary to the true intent and meaning of the...Act.

Wine unfit for sale, was being brought across from Ireland, the Channel Isles, and from abroad. Allowances were now only to be paid on wines coming directly from their country of origin, or salvaged out of wrecks and brought into a port.¹¹⁰ Opportunities for defrauding the revenue were further reduced in 1725, when the law was changed permitting the sale of damaged wine for distillation or vinegar making, the proceeds paying freight charges and other costs 'attending the keeping and selling the said wines.'¹¹¹

Just as the original concession to the wine importers had encouraged a new form of fraud, so the change in the law could have encouraged an existing one. Dealers in French brandy, living on or near the coast:

have or may have opportunities of furnishing themselves with...brandy...either by running the same themselves or procuring it from others who have or shall run it: And whereas many of the said dealers are gotten into a practice of receiving into their custody great quantities of spirits made in this country, which for the most part are brought to them from London, with permit or certificate that the duties of the same have been paid.

This domestic product was of such low proof, or so diluted, as to be worth little, but the dealers had a good cover for increases in their stocks, claiming they had mixed foreign and British brandies. The inferior spirits were in fact destroyed, and had only been purchased to confound the Excise officers. ¹¹²

Traffickers in contraband were familiar with the workings of the revenue laws, and took steps to protect their investments through legal stratagems. Merchants securing drawback on re-exports took the precaution of having informations, 'entred and filed against themselves in some of the courts at Westminster or Edinburgh, in the name of some person or persons, on his, her or their behalf'. No prosecution was undertaken, but if the officers were to find evidence of deception at a later date, 'a plea of priority of suit is...pleaded in bar of such real informations prosecuted by the officers of the revenue, whereby the said offenders evade the several penalties inflicted by law'. In 1725 it was enacted that all informations for the recovery of penalties had to be 'entred, filed, and prosecuted in the name of the Attorney General' or the revenue officers.¹¹³

Paralleling the efforts to deter frauds on the part of the merchants were the attempts to check the corrupt practices of the officers. In 1662, issuing false certificates to cover contraband unloaded from coasters was made punishable by a £50 fine, dismissal, and 'such Corporal punishment as the Court of Exchequer shall think fitt,' while accepting a bribe or conniving at a false entry incurred a £100 penalty. Compositions were a more complex matter. Allowing offenders to escape prosecution or gain release from the debtors' gaol through paying a reduced penalty, had the advantages of recovering revenues and clearing the prisons, but it also provided opportunities for collusion. The 1662 Act stipulated that only duly

appointed officers, and those holding Treasury warrants or royal commissions were authorized to make seizures. Any composition had to be worth at least one third the value of the goods forfeited, and provision was made for pursuing prosecutions if the original informant declined taking further action.¹¹⁴

In 1725 the Commissioners were empowered to proceed against forfeited goods and to order seizures of tea and coffee condemned in the Exchequer Courts, to be auctioned in London or Edinburgh. If the seizures were made elsewhere, the goods could be brought to the respective capitals, while confiscated spirits were to be sold wherever the Boards decided. The intention was to prevent officers and importers conspiring to exploit the existing arrangements in the outports whereby the original owners were able to regain their property through rigged auctions. As a safeguard against seizures being embezzled, no Customs officer was to receive reward for seizure of exciseable goods unless they notified the nearest Excise Officer or the Supervisor of the district; failure to do so would make the goods liable to re seizure.¹¹⁵

Collusive seizures continued throughout the century, enabling smugglers and preventive men to reach compromises, so reducing the risk of violent resistance. The government and the Commissioners persisted in their efforts to suppress the practice. The 1784 Commutation Act made revenue and naval officers concerned 'in any collusive seizure or agreement not to seize or deliver up any ship or vessel or any goods', liable to fines of £500.¹¹⁶

The 1779 Act empowered justices of the peace to examine complaints of negligence brought against an officer for failing 'to exert himself in the seizure of contraband, or arrest those concerned in running goods.' The Commissioners could decide whether or not to dismiss an employee on the basis of a justice's report.¹¹⁷ Yet the statutes indicate that central government felt the local officials were lax in their enforcement of the revenue laws. The 1736 Indemnity Act recorded that:

the bailiffs and other officers having the execution of process... often hold correspondence with the persons guilty of the several illegal practices...and give them notice when any writ or process issues against them, whereby they escape from justice.

For the future, sheriffs and mayors were instructed to grant special warrants for taking up suspects' upon the request or application of any one of the known solicitors for the Customs or Excise' or anyone acting on their authorization.¹¹⁸ Penalties could be imposed on peace officers refusing to accompany revenue men executing search warrants, and after 1779 gaolers could be fined for allowing the escape of smugglers from custody.¹¹⁹ The difficulty was that the justices of the peace were responsible for law enforcement within their districts, and while they could be encouraged, they could not be coerced. Frustrated by non-co-operation, the revenue officers sought legal advice as to the possibility of initiating proceedings against obstructive justices, but the Customs solicitors usually advised restraint.¹²⁰

The validity of the adversarial model of social relations is a recurrent theme in this study. Investigating the situation in the outports, where the boatmen and cutter in the Customs and Excise were drawn from the same sector of the community as the smugglers they were supposed to control, it is evident that compromise was as common as conflict and much of the violence was ritualized. The supposed divide between the institutions of central government and the social and governing elite in the counties comes under scrutiny when discussing the army's role, but policing and the maintenance of social order were complex processes. According to Stanley Palmer,

the chief merit of the highly localized system in place in the eighteenth century was that it operated through 'bonds of kinship, friendship and neighbourliness'. Constables preferred to admonish or counsel rather than arrest and prosecute. Law enforcement was highly individualistic and discretionary, not bureaucratic and rigid, and peace officers had to be responsive to the values of the 'moral communities' of which they were a part, and the needs of the law, which they were charged to enforce.¹²⁰ The implication is that central government, through use of the military and an armed preventive force, stood outside of these arrangements. In practice, hierarchical and bureaucratic chains of command could only function through a number of networks linking ministers and magnates, landlords and tenants, politicians and voters, officials magistrates. Networks could either advance or frustrate

the intentions of central government, but such was the overlap in personnel, and the number of different roles assumed by those in public life, that separating the centre and the regions could bring confusion rather than illumination. Legal structures and the statutes provide a necessary framework for the study of law enforcement, but they tell us more about contemporary perceptions of the problem of smuggling, and the aspirations of those shaping the legislation, than they do about the tasks of policing and prevention, on land and at sea, over the course of the eighteenth century.

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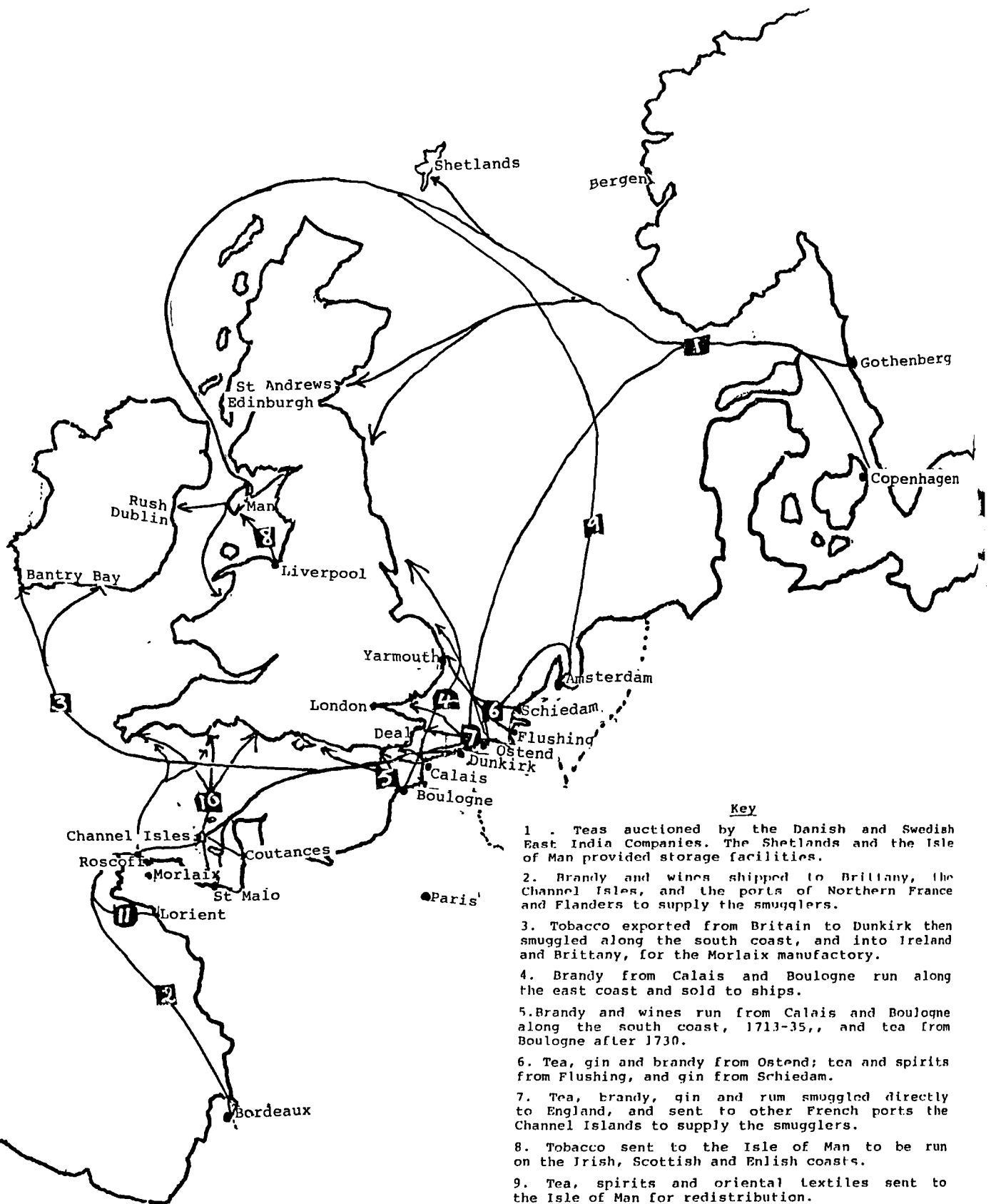
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Routes, Commodities, and the main smuggling entrepôts.

Chapter One

Commerce and Contraband.

I

Interlopers, Chartered Companies, and Smugglers.

Ostend

The duration and scale of the wars between 1688 and 1714 brought about a 'radical transformation'; Britain acquired 'all of the main features of a powerful fiscal military state: high taxes, a growing and well organized civil administration, a standing army and the determination to act as a major European power.'¹ A comprehensive revision of tariffs and trade policy was part of this transformation and from 1690 to 1704 'the general level of duties on import trade was roughly quadrupled.' Wines, spirits and tobacco were already heavily taxed, duties accounting for half their price at the London wholesalers before 1685, when additional duties were imposed. Two further duties of 25% were added to all French imports in 1693, and these prohibitively high levels were to remain until the Eden Treaty of 1786. Other Acts, in 1690 and 1693, placed extra duties on a range of commodities, ranging from 5% to 20%, while the general import tax on all goods was increased from 5% to 10% in 1697 and by another 5% in 1704-5.²

These measures benefited domestic producers as imports of French silks, linen and white paper fell away, but the smugglers were able to take advantage from the continuing demand for French brandy. Building on their existing export business, shipping packs of wool aboard French ships off

the Kent and Sussex coasts, the 'owlers' began handling cargoes of spirits, wines and textiles. By the end of the seventeenth century there was a sophisticated network in place in Kent, centred on the Huguenot community in Canterbury who were able to exploit their connections with France.³

These developments merit attention for two reasons. They can be seen to be laying the basis for a distribution network which was to serve the interests of continental challengers to the United East India Company, and they raise doubts regarding Monod's arguments for the importance of the Jacobites as the power behind the expansion of smuggling.⁴ The coincidence of the new tariff regime and an exodus of Jacobites, makes it impossible to advance a single cause for the development of superior organisational skills and structures within the contraband trade. Many of the first emigrants were Irish, and illicit trade between Ireland and France flourished in the eighteenth century, but the growth in illegal exports to the south and east coasts of England was to a degree independent of the Irish connection. Wines and spirits were transported from centres of production to the principal contraband ports, and merchant houses such as the Galways, Hennessys, Coppingers and MacCarthys were concerned in these movements, but this does not show that an 'international network of Jacobite

business' was 'the motive force behind a great deal of smuggling.' The role of the Jacobite emigrés does become more clear cut after the War of Spanish Succession, though as Dermigny notes, not every Irishman and Scot gifted with financial acumen and sound business instincts was bound to be an avid supporter of the Stuart cause.

The closure of the River Scheldt by the terms of the Treaty of Munster in 1648 further undermined Antwerp's position as the commercial centre of north western Europe. During the remaining years of Spanish rule there was no concerted effort to develop a major alternative port in the Southern Netherlands and no encouragement for mariners and merchants to engage in trade with the Spanish overseas empire. When the southern provinces were transferred from Spanish to Austrian control, Dutch and English insistence meant the Scheldt remained closed. This was not enough to stifle the aspirations of groups of merchants and financiers in Bruges, Brussels, Ghent and Antwerp, prepared to invest in mercantile ventures based at Ostend. The first expeditions were made by interlopers, invading the monopolies of the United East India Company and the Dutch East India Company. In 1714 and 1715 the authorities in the Austrian Netherlands issued patents for five ships; the Emperor Charles III, the St Matthew and the Imperial Flanders were to sail to Surat and the East Indies and the Prince Eugene set out for Bengal. The Charles of Flanders was intended to be the first Ostender to trade with the Chinese at Canton.⁵ Much of the backing for these ventures

came from England and Holland. Thomas Ray, an Irish merchant with Flemish nationality and based at Ostend, headed the consortium of Jacobite exiles which funded the Emperor Charles III, while Xavier Sarsfield, another Irishman, captained the St Matthew.⁶

These voyages were bitterly opposed by the Dutch and English companies. Attempts were made to intercept them and the Dutch Governors at Batavia and the Cape were instructed to assist in any scheme to check the interlopers. When Sarsfield tried to take the St Matthew into St Helena for supplies, she came under fire from the shore battery. Sarsfield reached Ostend in August 1716, followed soon afterwards by the Prince Eugene. Dutch buyers, anxious to keep control over the import of textiles from India and the Far East, bought heavily when the cargoes came up for sale and the investors doubled their money, before payment of port dues and duties.⁷ This success encouraged more expeditions; in 1717 twelve ships were being fitted out, commissioned in the Austrian Netherlands but English built and prepared in shipyards on the Thames.⁸

Circumstances favoured Ostend at that time. The interloping trade attracted the enemies of the House of Hanover and the opponents of the great monopoly companies. A ban on the importation of textiles from the Far East forced the French East India Company to divert its ships to Ostend, and a Dutch move to acquire tea more cheaply had had the opposite effect.⁹ Instead of dealing directly

with the Chinese at Canton, the Dutch bought from the fleet of junks which came to Batavia every year. In 1717, knowing the Chinese would find no alternative buyers, the Dutch forced down the price. The following year the junks failed to arrive and the Dutch were excluded from Canton. They were forced to buy supplies from the Portuguese at Macao, which meant paying twice as much for an inferior product.¹⁰

Profits were to be made trading in China and the Prince Eugene left Ostend bound for Canton in January 1718, commanded by John Tobin, an experienced captain who had already accumulated a fortune in the service of the East India Company. The voyage was very successful; English efforts to keep Tobin out of Canton failed, and when the Prince Eugene returned in July 1719 the proceeds from the sale of its cargo brought a 100% profit.¹¹ Diplomatic pressure from the British government brought an end to the practice of granting naturalisation, and new legislation increased the penalties for taking service with, or participating in the ventures of foreign concerns, but it was proving difficult to check the interlopers.¹²

The East India Company was becoming increasingly anxious as competition increased. Four ships were commissioned in 1720, with instructions to keep together for protection in pirate infested waters, then, once clear, the supercargoes were to 'hasten away such best sailing Ship before you in hopes she may get to Canton before the Ostenders. On her arrival there, We direct that her Supra Cargoes do

secure or contract for all the Tea procurable.' If supplies were still available after buying sufficient to load the three vessels sailing back directly to England, the supercargoes should contract for enough leaf to fill the hold of the Bridgewater, sailing for Madras.

We give this order thus large, that the Ostenders may be disappointed of Tea, and if they are we shall esteem it an excellent piece of service done the Company, for which you shall not want our encouragement...Cost what it will we must try to make these Interlopers sick of their voyages for Tea.¹³

The scheme to thwart the Ostenders failed. The Carnavon was delayed in the English Channel and arrived a month after the rest, by which time they had filled their holds, as had the two interlopers. There was a demand for tea in continental Europe, and the difficulties encountered by the Dutch provided an opportunity to the Ostenders, but they were also supplying the English and Irish smugglers.

From the Company's viewpoint, the situation worsened in 1722 and 1723. The Emperor Charles VI was at last persuaded to grant a charter for an Ostend Company, and Parliament agreed to change the law with respect to tea exports. Customs duties were collected on importation and could be claimed back when tea was exported.¹⁴ The outcome was a great deal of fraud: merchants would claim drawback but the tea was later brought back clandestinely into Britain

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Walpole's excise scheme removed the incentive for the fictitious export of tea by ending the drawback system. This opened up new prospects for direct shipment of contraband from continental Europe and encouraged more expeditions to Canton. The 1723 Act had been anticipated and the chances for profit were fully appreciated.¹⁵ Prices varied for the different types of leaf, but some tea could be sold at Ostend for ten times its cost at Canton.¹⁶ Nine ships were sent out to Bengal and Canton between 1724 and 1727 producing a gross profit of seven million florins; most of it from the sale of silks and tea. Each ship discharged 350,000 lbs of tea on average, more than the East India Company brought back to London in 1720-21 and 1723-4.¹⁷ The general belief was that much of this was finding its way to England, where the smugglers sold it at half the price being asked for legal importations.

As soon as the Ostend Company was set up, the contraband trade was encouraged by our merchants and our people, and large boats, with ten or twelve rowers, came from Ostend to the River Thames, reaching as far as London Bridge on the high tide, right under the noses of the customs officers; it was this which gave rise to an Act of Parliament which prohibited entry to the river in any boat with more than four oars, putting paid to that method. Since that time, they have found another way of carrying out their business, sending ships out to sea to meet up with the sloops putting into and leaving Ostend and later unloading contraband at sites along the creeks running into our river.¹⁸

Reports from Ostend confirmed that the first smugglers had come over in small open boats, but it was possible to build a flourishing business making frequent crossings and avoiding the preventive services.¹⁹ Edward Roots put into Ostend nine times between February 1727 and June 1728, taking in less than 500 lbs of tea each time. One cargo was jettisoned when Roots was pursued by a cruiser off the Kent coast, and he lost his first ship on the seventh voyage, seized on their return. Roots had sufficient funds to acquire another vessel and continue trading.²⁰ Robert Large and Benjamin Wackling operated along the coasts of Norfolk and Suffolk on a far larger scale, bringing in 45,000 lbs in fifteen months.²¹

Smugglers were sailing to Ostend from Colchester, Chatham, Rochester, Margate, Ramsgate, Hastings, Poole, Weymouth and Plymouth. In January 1725 there were eleven Irish brigs and sloops in port, thought to be running contraband along the south coast and Ireland. Nicholas Lavers, from Alderney, was reputed to have bought more than enough tea to meet the combined thirsts of the Channel Islanders for several years.²² The Ostend Company's charter was revoked in 1727, when Charles VI gave way to British and Dutch pressure. The company continued to function officially for a few more years and the last authorised expeditions brought back 2,628,586 lbs of tea, four times the quantity secured by the London company in 1727-8.²³ Ostend remained a thriving centre for the contraband trade and the developments arising from the demise of the Company illustrate the extent to which smuggling was the creature of international capital. Denied the opportunity of employing their resources in the Austrian Netherlands, investors, agents entrepreneurs and men of the sea looked for alternative outlets.

The Danish and Swedish Companies and the Commutation Act

The initial response to the withdrawal of the Ostend Company's charter was to seek protection under flags of convenience.²⁴ The rulers of Prussia and Poland were co-operative, but the English and Dutch had no hesitation in attacking any interlopers. The Apollo was at Canton for the 1730-31 season, a four hundred ton vessel carrying a hundred men and twenty-eight guns. Sailing under the Prussian flag, the Apollo was the former Archduchess, an Ostender. When the East India Company ships set off for China Charles VI had not yet acceded to the 1729 peace between England and Spain. James Naish, the senior supercargo with the East India Company's expedition, planned to seize the Apollo once she was outside Chinese waters; the project failed, but twenty-three British seamen were taken off her.²⁵ As the Apollo sailed through the Malacca Straits five Dutch ships tried to stop her, but, 'the Wind was fair & she sailed thro' them, receiving some Single Shot from several of the Ships, which did them no great damage.'²⁶ The final destination was Hamburg, where the cargo was sold, despite protests from Britain. Other expeditions setting out from Ostend were thought to have been organized with the connivance of the imperial government and the fear was that the Ostend Company had been abolished 'but by Name.'²⁷ The Company was perpetuated in the sense that capital, entrepreneurial skills, and personnel moved to the new Swedish East Indies Company and the Danish Asiatic Company.²⁸ An important object for both concerns was to

obtain tea for the contraband trade . Auctioned at Gothenberg and Copenhagen, it could then be shipped directly to the Scottish east coast and the north east of England, or sent to the Faroes, Shetlands and the Isle of Man for later transfer to the mainland. The economic dominance of Holland and the city of Amsterdam could not be translated into effective political control over the other provinces. The Zeeland ports ignored the Dutch East India Company's monopoly and stocks of contraband tea were stored at Flushing, Middleburg and Veere.²⁹ Ostend was still much frequented by smugglers, and just over the border, the free port of Dunkirk supplied duty free goods to buyers from all over Europe.³⁰

As French trade in China extended, the Compagnie Francaise des Indes was able to supply the peacetime needs of the French smuggling ports. Before that, Dunkirk had met the requirements of the merchants of Calais, Boulogne, St Malo and St Valery, providing teas from the sales in Sweden and Denmark, and Holland.³¹ The English smugglers went originally in search of wines and spirits, but the cheaper Bohea tea was an ideal space-filler. It could be kept in oilskin bags, did not have to be handled with any great care, and carried a disproportionately heavy duty, compared with Hyson, Singlo, and other varieties, both green and black.³² Calais, St Malo and Morlaix had petitioned successfully for exemption from import duties, provided the tea was intended for sale to the smugglers.

Other towns on the Normandy and Brittany coasts saw the advantages of free trade, and local authorities did not insist on strict adherence to the regulations. When the Compagnie des Indes found it impossible to meet demand during the War of Austrian Succession, merchants in the Channel ports made good the deficit from the stocks held in neutral countries. English smugglers were employed in bringing Dutch and Scandinavian tea into France, and would very likely run the same cargoes into Britain at a later date.³³ Brandy and wines intended for the contraband trade were moved in the opposite direction, being held in northern ports for the convenience of those carrying timber, naval stores, cereals and textiles across the North Sea.³⁴

Any satisfaction felt by the East India Company over the ending of the Ostenders' voyages to the Far East, was short lived. A Swedish attempt to establish a factory at Porto Novo was defeated by the forcible opposition of the East India Company, but they could not prevent the Danes re-establishing their station at Tranquebar.³⁵ Both Danes and Swedes sent ships to Canton, and the China trade ensured healthy returns for the investors. The first Danish expedition in 1733 brought back twice as much tea as the two East India Company vessels sent out that year.³⁶ Andrew Reid, supercargo on the Normanton East Indiaman, arrived at Canton late in 1736 and found it impossible to buy tea at the prices agreed by his colleagues, who had already filled their holds. The French, Danes, Swedes and Dutch,

now dealing directly in China, were all prepared to pay above Reid's limit.'There was not at market a sufficient quantity of Bohea to supply the extraordinary demand for it,' and the supercargoes from the continental companies, 'began to buy up Green Teas, well knowing that the Smugglers would pay handsomely for them at home, if the English were not provided by the Company.'³⁷

The tea trade operated within an international market and participants had to be aware of what was occurring both in Europe and China. Effective competition from the Ostenders, and the ready response to increased demand on the part of the Chinese, more than halved the price in London between 1714-18 and 1720-24.³⁸ The East India Company was forced to reduce its annual dividend from ten to eight per cent and to cut back on quantities put up for sale in an effort to push up the price. The Dutch had resolved their problems with China by 1723, but prices at Batavia were higher than at Canton.³⁹ This was not reflected at the Amsterdam auctions where bidders were well aware of the situation regarding current stocks and future supplies. By the early 1730s, the growing number of expeditions, increased production in China, and a slackening of demand in Europe, combined to bring prices down.⁴⁰ Directors of chartered companies, supercargoes negotiating contracts with the merchant guild at Canton, and the ships officers intent on making their fortunes by private trade, had to be knowledgeable about the state of the markets, both in Europe and the Far East. The same was true of the tea dealers, operating in the legal or the contraband sectors.

Speculative dealers, who supplied the smugglers, would search out information concerning the number of ships at Canton, the companies they belonged to, their probable cargoes and sailing dates, and the maritime traffic at Batavia, the Cape and St Helena:

Again, news went round from one town to another of preparations for auction sales, either by the companies or by private firms; of stocks in hand, quantities likely to be offered for sales, prices current, and seeing that international trade was involved, of the course of foreign exchanges.⁴¹

The wars between the major maritime powers disrupted established trade patterns, both legal and illegal.

British smugglers were still welcome in France for the gold and silver coin they brought in, but the Compagnie des Indes could no longer meet demand. The Dutch and Scandinavians made good the deficit, increasing their ventures to China, but this meant a reorganization of the distribution networks in Europe as contraband intended for Britain had often to be shipped to the main smuggling entrepôts first. The Danish and Swedish companies flourished when the major maritime powers were at war, the frequent and protracted conflicts involving Britain and France disrupted French commerce the more seriously and their trade with China was particularly hard hit. The Scandinavians were able to benefit from this, bringing back tea for legal and illegal consumption.⁴²

The East India Company's fortunes improved during the Seven Years War and its imports doubled over the following decade. £14,000,000 of tea were imported in 1771, an unprecedented amount. The smugglers' response was to redouble their efforts, and, in Dermigny's words, 'a veritable avalanche descended on England, an estimated 9,500,000 lbs' of tea.'⁴³ The reduction in duties for the years 1768-72 restricted the profits to be made from running Bohea and the Swedes concentrated on the more expensive Congous and Souchongs for disposal in Scotland and the north of England. The Hyson and 'common green' tea they loaded at Canton were mainly for British use, 'shipped off immediately after the sales for Dunkerque, Ostend, Guernsey, Jersey etc. where the proximity meant it could be easily shipped over and landed in Britain.'⁴⁴ The Company reduced its purchases the following year, but there was now a glut and only four ships were sent to Canton for the 1774-75 season.⁴⁵

Sales of tea at the 1767 auctions realised £8,000,000 for the East India Company; by 1784 this had fallen to £5,500,000, despite a growing population and per capita consumption. The Company had the resources, personnel and experience to take on its continental competitors in an equal contest, but it could not overcome customs and excise duties that more than doubled the price. From the time the rival East Indiamen entered the English Channel the dealers began their speculations:

...some employs their own stocks, others join in companys and sends abroad their commissions from five hundred to £1000, from those sums up to 5, 10, 20, 25, even to the amount of 30 thousand pounds to be laid out in buying teas at their August or September sales.⁴⁶

It was claimed the Danish Asiatic Company 'would be very insignificant was it not supported by British commissions at their sales' and the practice of using the Danes to remit funds to Europe from India. Smuggling was a major enterprise; dealers in contraband could insure their ships and goods against seizure, had access to credit, and could even seek legal redress in cases of breach of contract.⁴⁷

However, if there was a clear distinction between small-scale, clandestine smuggling in the first half of the century, and a significant, capitalistic, commercial enterprise in the second, then the lines of demarcation ought to be discernible. Illicit dealings in tea were a very important aspect of the contraband trade from the 1740s to the mid-1780s, but those smugglers who ran cargoes into this country seldom relied on one commodity. One well-informed observer of smuggling predicted its rapid collapse if tea was removed from the list of high duty goods in popular demand. There would be insufficient capital to support a trade in illicit spirits on anything like the same scale. 'Desperate adventurers, using smaller ships and employing fewer men would attempt it,' but such traffic would be 'within the power of the revenue officers and cruisers to suppress it.'⁴⁸ The Commutation Act destroyed

the profits to be made from smuggled tea, and eliminated the East India Company's European competitors for the China trade, but it did not lead to the overall collapse of smuggling. Wines, spirits and tobacco had sustained a healthy business in the earlier period, and casks of gin and brandy frequently accompanied cargoes of illicit tea before 1784.

If the discussion on the size of the contraband trade is confined to comparing the volume of tea brought in at different times, it is still difficult to establish a marked divide during the eighteenth century. Allowing for over estimates, there was still rapid acceleration in illegal importation over the period from the mid 1730s to the mid 1740s. The East India Company reckoned 460,000 lbs were brought over in 1737, while evidence submitted to the 1745 Parliamentary enquiry suggested a figure of 3,000,000 lbs per annum, three times more than the East India Company brought in, and almost certainly an exaggeration. The same figure was at the lower end of the estimates advanced for the peak smuggling period in the late 1770s and 1780s.⁴⁹ This was probably too small a figure, but given the increase in population and the spread of tea drinking through all social classes, it does seem that tea smuggling had developed into a major undertaking by the 1740s.

In his recent assessment of the smuggling trade, John Brewer sees new developments within the merchant community:

'Towards the end of the century more and more merchants were willing to help fight against the illicit trader. They collaborated with revenue officers and formed associations to prosecute smugglers. Yet their success was only limited. In the 1770s and 1780s smuggling firms were using larger, swifter vessels, carried more and more weapons and were as willing to use violence as the notorious Sussex smugglers of the 1730s. In short, though the pattern of smuggling may have changed, it remained a serious problem for government throughout the period.'⁵⁰

As evidence for change, and a growing division between smugglers and fair traders, Brewer cites William Stout, writing in the 1750s. By his account fraud was on the decline, 'nor is there now much attempt made by any merchants of reputation and good conscience.'⁵¹ Winslow accepts Charles Fleet's argument that the escalation of violence among Sussex smugglers in the 1740s was attributable to changes in the social composition of the gangs; farm labourers rather than lesser landowners, yeomen farmers, and small businessmen came to make up the majority of participants.⁵²

Brewer sees the later withdrawal of 'merchants of reputation and good conscience,' as in some way significant, but setting aside the lower orders' lack of civility, there is the matter of just who was concerned in the contraband trade. The investors, directors, agents, supercargoes and ships officers of the various continental East Indies companies were men of consequence. ⁵³ William Richardson, working on behalf of the British concern, met with 'great difficulty'

when he tried to persuade a number of prominent tea dealers 'to consider forming an Association against smuggling and adulteration of Tea.' Meeting little encouragement from government 'and the want of Military to assist the few Officers of Revenue who were inclined to do their duty, the Society discontinued their Meetings.'⁵⁴ Richard Twining reported the growing irritation of the dealers as the revenue commissioners failed to follow up on the association's initiatives.⁵⁵ Observing a minority of dealers handling contraband with impunity, the rest were left to sacrifice their principles or their livelihoods. By the early 1780s the trade in smuggled tea, moved under cover of Excise permits, was no longer, 'confined to persons in small way of business or of doubtful character in the world: it was carried on by the most extensive dealers and by those who possessed the fairest reputation.'⁵⁶

The East India Company's position improved decisively as a result of the 1784 Act. Duty was cut to 12½% and the tea put up at the London auctions was at last competitively priced. The continental companies could no longer depend on the contraband trade in to keep them in business. The smugglers fought a determined rearguard action, testimony to the wealth and organizational strength of those involved. Pitt and the fair traders were disappointed by the initial impact of the reduction in duties. It was anticipated that the lower cost of the Company's product would undermine the smugglers market. The Directors were

confident they could cope with the upsurge in demand at their sales. By the summer of 1784 they expected to have stocks 'equal to at least three years sales, occasioned by the number of ships the Company were under the necessity of sending to India with troops and stores on account of the war, and which could be laden back with other goods.'⁵⁷ Richard Twining did not share this optimism. Fourteen ships were due to return from China in 1786, but 'The Seventeen Ships which are expected before that period will not, I am afraid, furnish the Company with that abundance of each species of Tea which they ought to have.'⁵⁸ Foreign warehouses were already filled with cases of tea, 'which had been imported thither for the express purpose of supplying this island...The Owners of such Tea would naturally think it more eligible to dispose of their goods at a considerable loss than not to dispose of it at all.'⁵⁹

In fact they were determined on minimising any losses. In August 1784 Charles Ford, master of a cod smack, reported several large cutters under construction at Flushing and Dunkirk, each carrying from 16 to 24 cannon. A 250 ton shallop was being built for runs on the Scottish coast, and, 'he also says the merchants at the above places are determined to make one Grand Push to counteract the Designs of Government as far as possible.' Smugglers had long attended auctions of seized goods in order to regain possession of their property. They crowded out the sale rooms and make it plain to the other bidders it would not be in their interests to bid up the price.⁶⁰ Now there was a new development; smugglers turned up in strength

at the Company's sales. Twining was informed that, 'Persons on the other side of the water, who were possessed of Twenty or Thirty thousand pounds each, were determined to keep up the Prices of Tea, and that they could do so notwithstanding any opposition which they might meet with.'⁶¹ When the first sales were held after the Commutation Act the smugglers present deliberately drove up the price of Congou and Souchong. It was anticipated they would sell at 3s 4d and 5s 8d respectively, exclusive of duty; they went at 6s 5½d and 6s 8d.⁶² These varieties were selected by the smugglers in the knowledge that the Company's existing stocks were low, and they were in no position to frustrate the free traders by putting more tea on sale. Dealers who had bought at the previous auction had successfully persuaded the Company to take back their purchases. Otherwise they might have left the smugglers to raise the price until they were, 'buried like Samson under the cumbrous load which he had heaped upon himself.'⁶³

The Act was having some effect; in June 1784 'very good Souchong' was selling in Devon at nine shillings a pound.'⁶⁴ Those dealers buying at the September auctions that year could have undercut the earlier prices being asked by the smugglers and still have made a profit. The increase in the quantities sold indicated that revenue lost through the reduction in duty would eventually be made good by greater consumption of the legitimate article. In the interim, Pitt was faced with a very real problem. The Window Tax, introduced to compensate for the immediate

shortfall in revenue, was unpopular among the property owning classes, and it was politically necessary to fulfil the promises of cheaper tea as quickly as possible.⁶⁵

The East India Company were assured of Parliamentary authorisation if tea had to be acquired at the continental sales. Maintaining good stocks would provide the means of keeping prices down while buying abroad would deny the smugglers their usual supplies. In the face of opposition from some of the directors, Pitt supported the formation of a consortium of merchants and tea dealers prepared to import tea from Europe and compete with the Company. Robert Voute, head of the Dutch firm J.J.Voute & Co, then offered to supply the East India Company with tea at prices below those they would have had to pay at auction. When there were further objections, Pitt threatened to open the ports and end the Company's monopoly. Voute's Dutch associates supplied 1,360,000 lbs to Britain in 1785, and 7,190,000 lbs the following year, a quantity in keeping with the more pessimistic estimates of the smuggling trade.⁶⁶ Buying on such a scale made it difficult for the smugglers to continue and by the end of the decade the East India Company was able to meet the rising domestic demand. The decline of the Swedish, Danish and French companies' Chinese trade over the last years of the century testified to their dependence on the contraband trade with Britain.

III

Unlicensed Victuallers: French Brandy Smuggling, and Britain's Off-Shore Territories.

The trade in contraband tea involved chartered companies, large capital investments, and the penetration of legal markets and distribution systems by the smugglers. The activities of the seamen, porters and riders who ran the contraband should be located within a network of financiers, merchants, dealers and retailers who brought the tea to Europe, purchased it at the continental auctions, commissioned the smuggling vessels, and organized distribution in Britain. The same men who planned and carried out the runs were capable of making their own investments and looking after the storage and disposal of contraband.

The smuggling network provided opportunities for the exercise of individual initiative and the adoption of different roles. The various participants, whether distinguished men of affairs or armed outlaws, were linked by a common purpose and ties of interdependence.

Other sectors of the contraband trade were less complex, but still entailed much organisation and planning. Evading the revenue cruisers and the riding officers when running the occasional cargo was no major problem. To make smuggling a full-time, profitable business required attention to detail and accurate assessment of the risks. Seizure by the preventive forces was an obvious danger; losses arising because of time spent waiting for a chance to come inshore, or from having to disperse the land gangs if a ship failed to appear, could be just as damaging. Successful smugglers needed the same acumen as legitimate dealers, though undertaking additional risks.

High duties and ineffective enforcement of the revenue laws helped make smuggling a paying business, but so did attention to costs, precautionary measures to minimize seizures, and a plentiful supply of customers. Potential buyers were to be found concentrated in the cities and larger towns, but the smugglers' mobility not only enabled them to escape capture, it meant they could sell goods over a wide area. This was demonstrated by the brandy dealers in the twenty years after the War of the Spanish Succession. A wartime ban on French produce, extortionate levels of duty, an established export trade in raw wool, and the exploits of privateers, all fostered this enterprise.

In June 1688 the Collector of Customs at Dover told the Commissioners that the sloops Enquiry and Observer, appointed to prevent the export of wool, were carrying eight and twenty additional crewmen respectively, 'by reason of the great number of French privateers upon the coast whose chief trade was the bringing over uncustomed goods, and to carry back wool, especially from the coast of Kent and Sussex.'⁶⁷ The threat from these smuggling privateers caused the withdrawal of the two sloops from service and the setting up of the first Customs Riding Officers, appointed to patrol the coast and the routes leading down to the sea.⁶⁸

It was not only the French privateers who combined commerce raiding and smuggling. The Channel Islanders ended a long tradition of neutrality in 1689 and began to invest in privateering ventures while maintaining their commercial

links with France. 'The Treasury retained a deep-rooted suspicion that not all the prize goods exported to England from the Islands had been procured by legitimate seizure.' Godolphin proposed that all the prizes be brought to London with their cargoes intact, 'as being a better market for sale of them, and would be a means to prevent such collusive Importations from these Islands as were apprehended to have been practised during the last war.' The tax exemptions for prize wines and brandy were removed in 1704 but this most likely boosted smuggling on the English side of the Channel. New regulations were introduced in 1708 'the better to prevent French goods being exported...under cover of Prize Goods,' but the States of Guernsey and Jersey protested vigorously, Jersey refusing to register the new measures. Aware of the Islands strategic importance, and the contribution of its privateers, Godolphin ordered the rules be relaxed and promised minimum interference with trade. Enforcement of the Navigation Acts and the prohibition against trade with France would be left to the discretion of the governors and bailiffs.⁶⁹ In a position to satisfy the English taste for French brandy, and the French penchant for Virginia tobacco, acquired through the capture of cargoes from America, the Island authorities were not going to hurt the local economy.

When the war ended it seemed that every boatman and fisherman with a vessel capable of making the Channel crossing was calling at the French ports in search of casks

of brandy and gin. By 1715 smugglers outnumbered lawful trading vessels at Calais, as was the case in most years until the 1720s.⁷⁰ Over that decade the French expanded their own operations along the south and east coasts, selling to the collier fleets and to the local population.⁷¹ Samuel Jacombe, the Yarmouth Collector, described the activities of the Calais based brandy sellers in 1729. Their principal agent was Peter Live, and through him they commissioned ten snows each year, from 40 to 60 tons displacement:

They provide the snows with good number of men and ammunition of war to make a vigorous defence in case they are attacked by the officers of the customs or any small force; when they are fit for the sea, then the distillers and other traders put in what brandy they please, some 40, some 50, some 100 casks; these snows take, one with another, about 400 casks each when loaded, then come on the coast and assist each other in case of danger; the first that has sold his cargoes speaks with all the rest and takes from them what monies have been received and goes for Calais and loads again and comes again on the coast, so they keep a constant round of coming with money and going with brandy.

Crews were paid according to the number of casks sold, and 'no purchase no pay, was thought to stiffen their resistance to seizures.' One of the partnerships concerned in the business provided for a brandy issue, 'to make them more desperate,' and anyone failing to defend the cargo against the attentions of the revenue cruisers, 'was turned out of all employment for the future.'⁷² Reports from the commanders of the Customs cruisers and the Royal Naval

ships on revenue duty support Jacombe's claims. The French were sighted frequently and fiercely resisted any attempts at seizure. Between March 1730 and December 1734, H.M.S Fly and H.M.S Weazle detained eighteen vessels and confiscated 11,012 gallons of brandy. Most of the ships were sailing out of Calais, with the occasional one from Boulogne, but some of the captains' names seem more English than French; James Laurence commanded the New Subtile, Peter Pollet the Russee and Francis Lewis the Dragon. The law did not provide for the confiscation of vessels used for smuggling if they were more than forty tons, and the same Calais snows were brought in more than once. Captain Oates of the Fly seized the Old Subtile twice, and before that she had been brought in by four different navy cruisers patrolling the east coast between the Tyne and the Humber.⁷³ Such was the extent smuggling in the early 1730s that an informant, describing a supposed invasion plan, claimed that 'France had no occasion to employ one Ship in the designe... for said he if 300 Smuglers being bold fellows and used to hazard could be got between St Malo and dunkirk' they would be the means of bringing over 6000 troops from the Channel ports.⁷⁴ It was unlikely England would be invaded by an armada of smuggling sloops but the informant clearly thought it worth submitting this report, and it gives an idea of the scale of activity on both sides of the Channel.

A French account from 1734 stated that the merchants of Calais had not sent any barques to the English coast for two years, fearing interception by a much improved waterguard. The same explanation was advanced for the decline in the number of English ships putting into Breton ports to purchase consignments of tea for running into Cornwall and Devon.⁷⁵ The number of reported runs, the size of the smuggling gangs, and the estimates of the quantities of illicit goods being brought in, do not suggest more effective prevention. As the trade became more complex, so those ports offering a range of goods and services secured more of the smuggling business. The Kent and Sussex smugglers acquiring spirits at Boulogne were able to insist on discounts from the dealers. They would then adulterate the brandy, first diluting it, and then adding lime and soap to provide, 'heat and head.' The brandy trade was so profitable that a number of those engaged in it had, 'raised 'emselves[Sic] from common fishermen to estates in ready money of about 14 to 15,000 pounds sterling.'⁷⁶ The 1745 Committee was told there were five cutters plying a regular trade between Boulogne and the Kent and Sussex coasts, bringing back at least six tons of tea and 2000 half-anchor casks of brandy every week at a cost of £3000.⁷⁷ Dunkirk's status as a free port ensured it was also a smuggling centre with much of its prosperity based on tobacco. Imported leaf was processed and packed for sale within the territory of the French ferme and brought to Britain illegally. Brandy, gin, rum , tea, coffee and

textiles were added to the list of commodities available at Dunkirk and it continued as a main smuggling entrepot despite the interruptions of war.⁷⁸ The damage inflicted on tea smuggling by the Commutation Act did not undermine Dunkirk's position, which depended more on the illicit trade in spirits than it ever did on tea.

The local authorities in Dunkirk were aware of how important smuggling was to the town. In 1777 the Receiver of the ferme at Calais arrested Thomas Kyte, captain of La Liberté, for having two sets of papers, one clearing the ship's cargo for Lisbon, and the other for Calais. The official believed Kyte planned to run goods on some other part of the French coast. Messrs Gamba and Archdeacon, a well established company, petitioned the Dunkirk Chamber of Commerce on Kyte's behalf, explaining the nature of their business as suppliers to the smugglers. High duties and prohibitions had led to illicit importation into England, and contraband was brought to Dunkirk for loading aboard the smugglers. Once cargoes had left Dunkirk, they were shipped along the coast to Calais road, where an English ship took on the goods. Captains like Kyte had to carry two sets of papers, one to avoid complications with the French authorities, and the other to produce if they were boarded by the British revenue cruisers.⁷⁹

When an American privateer, the Surprise, sailed out of Dunkirk in the guise of a smuggler, it caused serious embarrassment. Britain and France were not yet at war, and the French were still considering how best to respond

to the American war. Gustavus Conyngham, commander of the Surprise, returned with a prize, the Prince of Orange packet, much to the annoyance of the freetraders:

The smugglers at Dunkirk were exceedingly offended with the bringing of the packet into that port. They said it would occasion some English frigate or armed vessels to be stationed off that port, which would greatly obstruct their trade; and a desperate quarrel ensued between them and the crew of the American privateer which had brought in the packet.

Conyngham and his crew were briefly imprisoned and after that the Dunkirk merchants provided passports for the smugglers to facilitate their operations.⁸⁰ In October 1778 the French Admiralty issued an edict intended to bring the English and Irish seaman under stricter control. Smuggling ships were to be stripped of all armaments, crews were not to number more than 15, and there was to be no attempt to disguise their ports of origin. Only the captains and mates would be allowed ashore and French officials were to inspect the vessels as they lay in the harbour. The Prince de Robecq questioned the new regulations on humanitarian and practical grounds. The smugglers had nowhere to cook or sleep on board, and the guard on the town gate, reduced from 40 to 12, was too small to prevent them entering the town as they pleased. There was a real fear that if too many impediments were placed in the way of the contraband traders both smugglers and their suppliers would leave Dunkirk and operate from Ostend and Flushing.⁸¹

There were already 30 smuggling ships using Flushing, mounting between 12 and 24 cannon.⁸² The earlier French brandy selling expeditions were successful because the commanders backed each other up and had the weapons and manpower needed to confront the Customs cruisers. Their English counterparts soon adopted similar tactics; cutters would sail out of harbours on the south coast carrying enough crew to go fishing and then hover off the coast, waiting to take on extra men to provide a defence against boarding parties if the ship was intercepted. These additional crewmen were put off before entry into port on the return crossing.⁸³

By mid-century the smugglers were commissioning vessels which were larger and more heavily armed than most of those in the employ of the revenue services. Robert Martin's Princess Mary, stationed at Colchester, had six carriage guns and two swivels. After some extension work in 1747, she displaced 81 tons. Within a few months of the modifications, Martin reported a smuggling sloop launched at Folkestone, 'which according to the Dimensions I have had of her, She is full as big as the Princess Mary...and is Mounted with Six Carriage and Thirty two Swivell Guns.' Another sloop, still under construction at the Folkestone yard, was thought to be even bigger, and its completion would mean there were 12 armed smugglers working along the Kent and Sussex coasts, 'against which force all the Sloops your Honours have in the Service will not be able to Contend.' ⁸⁴

Brandy, gin and tea were the main items brought back from the continental warehouses, but there was also a thriving trade in tobacco, a feature of both the French and British contraband trades. Merchants could deprive the revenue in two ways, fraud at the ports of entry, and fictitious exportation, enabling them to claim drawback. Prior to the Acts of Parliament of 1699 and 1713 there were no checks as to what happened to tobacco condemned as unfit for use. It was a simple stratagem to bribe the officials to reject it, in which case no duties were paid, and then have the consignment taken away for future sale. The 1713 Act specified that all condemned tobacco had to be burned,⁸⁵ Underweighing, another practice requiring official collaboration, required strict surveillance of the landwaiters, assuming there were honest supervisors available. Fictitious exports were an equally intractable problem, the legitimate and fraudulent trades being so closely intertwined. It was unusual for the original importers to attempt relandings themselves, instead, once the drawback was paid, the hogsheads of tobacco were sold off to smaller dealers who secured clearances for export to Ostend, Dunkirk, the Channel Isles and the Isle of Man. Exports to Dunkirk and Ostend increased fourfold in the first half of the century, reaching a peak of 3,700,000 lbs per annum in the 1740s.⁸⁶

Much of this tobacco was afterwards smuggled into the rest of France, where there was a monopoly exercised by the Ferme. It was either moved overland, or shipped to

the manufacturies at Morlaix and St Omer. Dunkirk was a convenient centre for preparing tobacco brought over from Britain and then sent back. Factories at Both Dunkirk and Ostend used implements and machines sent over from England to ensure their packets resembled those on sale here; they even carried the imprints of well known London tobacconists. The port was also frequented by 60 ton Irish cutters, their arrival timed to coincide with imports from London. Each vessel would load between 30 and 50 hogsheads, broken down into 100 lb packages. Provided with false bills of lading, naming Bilbao merchants as the recipients, the smugglers sailed down the Channel, selling some of their contraband along the English coast. Bantry Bay was the eventual destination, where the tobacco was unloaded and dispersed. Every seaman traded a hogshead or two on his own account, making it a profitable form of employment. The ships' superstructures were altered frequently, reducing the chances of recognition by the revenue cruisers, and when it was thought a cutter had been used too long, 'they insure them for the full value and run them ashore when light and so wrong the insurers.'⁸⁷

Such was Dunkirk's importance as a smuggling emporium, it retained its status as a free port throughout the ancien régime, even though this broke the tobacco monopoly in France. A 600% duty on all foreign leaf coming into the territory of the Ferme, imposed in 1749, had serious repercussions for the port. Virginia leaf could still be brought in duty free, but it became prohibitively expensive

in the adjoining regions and more effective checks were in place to restrict illicit sales in France. A number of manufacturers moved to Ostend and Nieuport, while those who remained concentrated on building up Dunkirk's share of the contraband trade with Britain.⁸⁸

Running tobacco from Guernsey and Jersey into France was in progress as early as 1677. The Bretons and Normans further developed their taste for Virginia tobacco when privateers brought in English merchantmen on their return from the Chesapeake. In the same period, cadet branches of noble families in Brittany organised expeditions to the Channel Islands trading wines and brandy for tobacco and by the end of the century the Intendant at Caen was complaining about smuggled leaf entering Normandy.⁸⁹

The British government's effort to install more revenue officers in 1708 collapsed before the Islanders' threat to abandon privateering if there was any more interference in their other commercial ventures. The Riding Officers and boatmen already appointed by the Board of Customs, had to be removed. When the war ended, the quantities of tobacco coming into the Islands were stepped up until the warehouses there were reckoned to hold sufficient stocks to meet local needs more than ten times over.⁹⁰ By 1732 there were 25 vessels running wines, spirits, tea, soap and textiles from Guernsey, Jersey and Alderney across to England. Tobacco, wool and cash were sent in exchange and to satisfy French requirements. One observer noted how, 'the Islanders in General, from a very mean Originall,

are grown very Wealthy, and on a Modest compilation have 200 Vessels engaged in the Contraband Trade, twenty or thirty setting out at a time.' As young men came into their estates, so they were promptly selling land to raise the capital needed for building new warehouses for wines and spirits, 'and they look upon everyone who has it in his power and does not follow this Method of Trade to be Slothfull and Stupid.' ⁹¹

When they reached the English coast, the smuggling ships were met by gangs of up to a hundred men, waiting to assist in running the goods. Smuggling out of the Channel Islands was already extensive and becoming more complex by the 1730s. Along the coasts of Dorset, Devon and Cornwall the masters of barques and sloops bided their time at the village 'Tipling Houses' waiting to hire out to 'the Gangs of Smugglers from the Inland Counties.' The object was to acquire contraband cargoes from Guernsey and Alderney. Tea was brought in from Ostend, Holland, Zealand and London, where it was purchased at the East India Company auctions and fictitiously exported. Brandy was bought at Bordeaux, Nantes and Charante, some of it originating from as far away as Provence. An estimated 630,000 gallons were smuggled into England each year and the Islands' coopers could not keep up with the demand so that casks and barrels had to be imported from St Malo. ⁹²

The Islands were also a centre for the illicit wine trade. Ships masters would obtain permits allowing them to transport wine along the coast from one English port to another. Once out of harbour they would set course for

Guernsey, take on a cargo of French wine and bring it in under cover of the original coastal clearance. Another stratagem was to use barrels 'with double heads and partitions in the middle.' A normal inspection would have indicated the barrels were full of wine, but the inner container was filled with water, later to be replaced either in Guernsey or when the smuggler rendezvoused with another ship in the Channel. Since the documentation was in order, the contraband wine could be imported without complications; port officials were often encouraged to expedite the proceedings. An Act passed in 1720 provided compensation for importers who surrendered spoilt wines to the revenue officers. The merchant would receive whatever he had paid for the cargo and the cost of freight. The outcome was predictable. Soured wines were stored in warehouses in Ireland, the Isle of Man and the Channel Islands so that enterprising traders might take advantage of the Crown's generosity, there being no means of authenticating the figures presented by the merchants.⁹³

Since the abandonment of neutrality in 1689, Anglo-French conflicts had brought both opportunities and complications for the Islands. Peter Raban maintains that 'trade, privateering and smuggling cannot be separated...the leading Guernsey merchant families were deeply involved in all three activities.' The contraband trade helped provide the capital needed for 'the pump-priming capital required for an aggressive war against French commerce' while at

the same time, in order to acquire goods for the English market, 'the Islanders had of necessity to trade directly or indirectly with the enemy and thus sustain the very economy which their own privateers were intent on damaging.' War did not entail severance of business contacts. Banking, mercantile and insurance business continued throughout the Seven Years War, and in the previous conflict the Islands' fishermen had kept the Spaniards supplied with dry salted cod, much preferred to the green fish available from St Malo and Brest.⁹⁴ Increased vigilance on both sides, and the prize-hunting proclivities of navy commanders and privateersmen certainly made life more difficult for the smugglers, but war brought readjustments rather than retreat. In October 1757, Francis de la Combe reminded Thomas Priaulx, a leading merchant and smuggler on Guernsey, that as yet there was no Act of Parliament forbidding the entry of French goods into the Channel Islands, and that if they were certified as prize goods, they could be sold to merchants from the British mainland. Joint privateering ventures with merchants from Falmouth, Plymouth, Topsham and Dartmouth, and the sale of prizes there, enabled Priaulx to consolidate his smuggling enterprise in that area, recruiting local agents to collect orders and gather up debts. Priaulx's family ties with the Le Merchants and Le Rays meant there was a commercial network with agents established in the Channel Isles, the West Country, London,

Rotterdam, and the East India houses in the Baltic. Direct contacts with France being more hazardous, neutral ships were employed in bringing in consignments of tea, wines and brandy, while the capture of cargoes being carried for the French contributed to the stocks held in the warehouses on Guernsey and Alderney. Instructions for the acquisition and shipment of these consignments could be very specific. One order for Bohea tea, to be bought at the Copenhagen auction by John and David Brown, included details on the means of payment, insurance arrangements, and how the revenue authorities might be dealt with. The cargo was to be divided between two ships and, 'it will be proper to fill them up with Deal Boards, and have a Charter Party drawn for San Sebastian or Bilboa, with Liberty to the Captain to put in at Alderney, Guernsey or St Malo to Sell his Deal Boards.' If at all possible, the landing would be made on Alderney, where there was less prospect of interception.⁹⁵

The Islands' contraband trade was investigated in 1764 and the enquiries revealed a strong element of continuity.

Tea, India goods, rum, brandy, gin and currants were imported into Guernsey and Alderney, while Jersey provided the French with wool, molasses, textiles from the Far East, and wines from Iberia. Between 40 and 45 ships sailed every year to the Newfoundland fishing banks, taking with them tea, silks, muslins, calicoes, India goods, linens, woolens, molasses and 'all sorts of wines.' English ships bound for New England and Quebec would stop off in the Islands to load goods.⁹⁶ Profiting from French wartime difficulties

the Danes, Swedes and Dutch were supplying the Channel Isles with tea, while rum was brought directly from the West Indies.⁹⁷ In 1767 Thomas Bates assessed the extent of the smuggling trade and the cost to the Crown in terms of lost revenue. 600 tons of tea were brought in from France, Holland and Scandinavia for illicit sales in Britain and Ireland, and 600,000 gallons of assorted spirits, originating from France, Spain, Holland and Guadeloupe:

The Balance of Trade in favour of France from Jersey only, respecting the Illicit Trade from that Island to Newfoundland by carrying from thence the Produce and Manufactory of France and what is made use of in the said Island cannot Amount to less than One Hundred Thousand pounds Sterling which is paid out of the next proceeds of the Fish they bring from Newfoundland to Europe.

400-500 tons of tobacco were brought into Guernsey and Alderney each year having been taken into ports on the mainland and drawback secured before re-exportation. Bates reckoned the Crown was losing nearly £600,000 a year as a consequence of the contraband trade, failing to grasp the fact that effective prevention would simply have displaced the smugglers' activities to locations where the authorities were more accommodating. His proposed solution anticipated the government's response, but lacked any real appreciation of the difficulties of prevention. Bates suggested one Customs Riding Officer for Guernsey and another for Jersey. There should be four patrol boats, two on Jersey to keep observation on the two piers, and one each for Guernsey and Alderney. Surveyors and Inspectors

should be appointed on all three main islands, and the Guernsey officials were to exercise supervision over the smaller islands, Sark, Herm and Jethro, where the Guernsey smugglers planned to transfer their operations, 'should the Government Omitt...ordering them to be Surveyed.' Particular attention had to be paid to Alderney, 'for there is above Two thirds as much Smuggling carried on from the said Island as from Guernsey to Great Britain.' Governor Le Messurier was Alderney's chief purveyor of contraband and had claimed he had negotiated a special dispensation from the attentions of the British Treasury.

Realising that twenty-three men and four boats were not going to be a sufficient deterrent, Bates revived a proposal for a revenue cruiser to be be stationed there, and, 'as occasion may require, Cruise off of Cherburgh which wou'd in a great Measure shut up that Port the only convenient Port in France for the Smugglers from Devonshire, Dorsetshire & Hampshire to resort to after the Illicit Trade of the said Islands is Suppressed.'⁹⁸

The Treasury and the Commissioners of Customs tried to establish an effective presence in the Islands but met with popular hostility and constant obstruction from the authorities on Jersey and Guernsey. When Customs officers were appointed, no one could be found prepared to administer the oath of office. On July 15, 1767, Mr Coddington, Register of Certificates on Guernsey, notified the Board:

that the Officers of the Customs sent there were not permitted to Act in any respect, that they were forcibly hindered from going on board any Ship or Vessel, Inward or Outward bound, and obstructed from giving him any Assistance whatsoever under pretence of their not having taken the Oath of Office, and that the Royal Court refused, as well as the Commanding Officer there, to Administer any Oath except those of Allegiance.⁹⁹

Food shortages on Jersey served to increase tension and a crowd forced their way into the Court and obliged the Governor to approve a list of articles, including the expulsion of all Customs officers from the Island. The decrees were posted on every church door, and with a garrison of 'only about 200 feeble Invalids' , there was no way of restoring order.¹⁰⁰ Cruisers were sent to the Islands, but to little effect; the Exeter Collector recommended 'a Sloop of War or Cutters,' be deployed, rather than the single vessel proposed by Bates, but only two were sent. The Lord North and the Duke of Grafton were instructed to patrol the routes between Guernsey, Alderney and England, but every attempt to operate in Guernsey itself met with frustration. The Lord North was deliberately rammed by a local sloop as she entered St Peter Port. Captain James Major, commander of the Duke of Grafton, was mobbed when he came ashore, and his life threatened by a crowd numbering

more than 1000. Major and his crew were later held in the Castle, accused of pilfering bottles of wine and gin when they rummaged the Merry Ann. Released from confinement, Major returned to his ship, but was again mobbed and taken into custody, having to pay bail to win his release. This time he went to his Guernsey home, where he was besieged by a crowd, 'raised by the famous Mr John Brock, a great Merchant in the Smuggling Way.' The men from the The Duke of Grafton were brought before the Court, their hands tied as if they were dangerous felons, but no charges were brought against them.¹⁰¹

Major seemed determined on confrontation with the Guernsey authorities. He seized two French vessels, the Theresa and the St John de Coursel as they entered St Peter Port. The Theresa had a cargo of leather, which Major insisted was from Morocco, and thus contraband, but he had no means of proving the skins' provenance and the Court not only ruled the seizure unlawful, but refused any appeal to the King and awarded damages to Claude Perigaux, the French master, when he sued. Major was imprisoned 'for Damages incurred by his Obstinacy and Profligacy in turning Perigaux and his Crew out of their Bark, and suffering the Provisions on Board to be wasted, spoiled or plundered by his People.' John Vermont, master of the St John admitted he was a smuggler and had been chartered to take a consignment of vinegar from Caen to Dunkirk and return with a cargo of tobacco to be delivered in the Bay

of Caen. There was one bill of lading for delivery at Caen, 'And there was likewise produced another Bill of Lading Dated the same Day filled up for 61 Bales of Merchandize to be delivered at Guernsey to the Bearer of the Bill of Lading.' There were only twenty-six bales left on board when the St John was boarded, and Vermont produced receipts for the rest, duly delivered on the French coast. A French Customs smack had stopped Vermont from disposing of nearly half his cargo, and he had come to Guernsey to escape seizure. The Court found this a quite reasonable explanation and criticised Major for failing to elicit these facts before confiscating the St John and its goods. As to their having treated Captain Major harshly, 'the only hard Punishment he was condemned to...was to Beg Pardon of the Court And to be put in the Close Cage, not that with Barrs, for an hour, in the Execution of which, far from escaping with his Life, he did not receive the least Insult, of which the most irrefragable[Sic] proof can be Given.' The Court made it appear that this was linked in with the St John episode, but they were deliberately confusing different incidents to minimise their lack of co-operation. Major was caught between governmental bodies in conflict. His errors of judgement and tactless efforts to achieve some kind of recompense gave the Court an opportunity to assert their independent jurisdiction and to remind London that central government depended on local administrators to implement and legitimize policies. The Court acted voluntarily, and its members were respected figures in the Guernsey community:

The Bailiff and Jurats have...hitherto served without Fee, Salary or Reward... they Administer his Majestys and the publicke Business merely from Loyal and Patriotick Principles, being Gentlemen whose Families have long been in the possession of the Publick Confidence and Esteem and which they have themselves preserved by their Just, upright and equal Administration. His Majestys Service and the Public Weal are equally interested with themselves in the preservation of their Honor and the Dignity of their Office, without which it is impossible for them to Keep and Maintain that Degree of consideration and influence so necessary to promote Order, reverence for the Laws and a due Obedience to His Majestys just Authority vested in their Hands by this Constitution,¹⁰²

Faced with the possibility of renewed war with France, and the strategic significance of the Channel Isles, the government abandoned its second attempt to extend the jurisdiction of the Treasury. The relationship between central government and local communities was complex and shifting. Co-operation rested on common interests, shared social values, and networks of kinship and patronage. Those in authority had to attend to a range of conflicting interests and endeavour to maintain social peace. The jurats of Guernsey and Jersey were themselves interested parties in the contraband business which had wide popular support. Withdrawal was more practicable than occupation and coercion.¹⁰³

The Isle of Man was also beyond the jurisdiction of the British Treasury, and Manx commerce provided parallels with the Channel Islands. The first Crown officials were appointed in 1682, encountering immediate opposition. Local customs duties, levied on behalf of the Lord of Man, were a fraction of those collected on the mainland, which combined with the Island's location made it an ideal entrepot for the smuggling trade. Efforts to check the movements of ships and cargoes were vigorously resisted by the communities whose livelihoods depended on the Island retaining its privileges. Threatened with arrest if they tried to search ships in Manx ports, the officers installed by the Board of Customs could do little more than observe proceedings, sometimes unable even to report back when there were only smuggling vessels sailing for the mainland. Runs on the Lancashire and Cumbrian coasts were so numerous it was reckoned the preventive men would have needed to have lined the shore, each man in sight of the next, before the landings would be reduced.¹⁰⁴

An apologist for the Manxmen maintained it was the actions of the British government which had made the Island a smuggling centre. Legitimate merchants had used the warehousing facilities available at Douglas, Peel, Ramsey, and Port Erin to avoid the costs of storage on the mainland and the interest charges amounting when payment of duties had to await disposal of cargoes. Then the prospect of cheap liquor and an escape from creditors brought an influx of 'Broken Merchants and others of Desperate or Low Fortunes.'¹⁰⁵

These asylum seekers recognised the Island's potential as a contraband base, and when new regulations imposed a ban on exports, except for local produce, fair traders were driven to smuggling.⁴³ Reluctant or not, their businesses prospered; individual dealers bought up entire shiploads at a time, confident they could dispose of the goods through their contacts in Britain and Ireland. Tea, spirits and India goods landed along the Solway Firth were carried inland as far as Yorkshire, the armed escorts too strong for the combined strength of the revenue officers. Half-anchor casks of wine were unloaded on the Welsh coast and moved out by strings of pack horses into Cheshire, Shropshire, Hereford and Gloucester. If the Customs men did risk boarding the incoming cutters, they were detained and handed over to the land gangs waiting in the night time to receive the shipments.⁴⁴ ⁰⁷

By 1750 it was estimated that the Duke of Atholl was receiving £25,000 a year from Customs duties, ten times as much as his predecessor thirty years before. The Treasury was thought to be losing £200,000 a year in the 1730s, £330,000 in 1750, and £500,000 by 1760, when war was disturbing the contraband routes across the English Channel and the North Sea.⁴⁵ ¹⁰⁸ As with the Channel Isles, the Isle of Man drew its supplies from a wide field, and the overall picture is one of thriving commercial capitalism. Nathan Carrington, a King's Messenger, visited the Island in 1759. His main object was to locate munitions of war which might have ended up in enemy hands, but his report gives a vivid picture of commercial life in Douglas, Ramsay, Castletown and Peel:

The above four Towns are inhabited by people of all Nations, all of whom have left their own country for Debt or some other prosecution & are fal'n into someway of Trade - with serving of Smuglers with Liquors or dry India Goods - as everything enters there Custom free and goes out the same During the time I was a Douglas I saw four Dutch Ships come in in two days & landed there 2300 pipes of Brandy, which they said were Spanish from Barcelona but a nice palate could not distinguish it from French -The Key and the streets were so crowded with these pipes that it was with great difficulty that people could get in at their Doors, All their warehouses being full before & not having room to receive them - Many small Vessels from Ireland, Liverpool, Wales & Scotland came successively night and day to reduce them.¹⁰⁹

A second observer, writing a few months later, held the Isle of Man responsible for undermining the economies of the American colonies, promoting the consumption of foreign brandy instead of, 'our own Wholesom Rum,' weakening the British merchant fleet, and financing the French war effort. At the same time as invasion threatened, French ships were discharging their cargoes at the Manx ports, followed by 'Cargoes upon Cargoes, brought in by Swedes, Portuguese & Dutch; the ready Cash, English Money, remitted to France.'¹¹⁰

Just as James Major ended up imprisoned in the Castle at St Peter Port, so Captain Dow commander of the Sincerity revenue cruiser, ran foul of the Manx authorities when he tried to interfere with smugglers operating in and around

their island. Dow had taken his ship into Douglas harbour without incident, but when he tried to leave, in pursuit of a suspected Dutch smuggler, a crowd gathered on the pier to prevent his sailing. Urged on by the deemsters, the Island's chief justices, and local customs officials, the people held on to the cruiser's mooring ropes until the Dutchman had moved off. Dow later caught up with the Hope dogger off Ramsay, but when a boarding party was sent over they were met by forty armed Manxmen, concealed in the hold when the Hope was in Douglas. Matthew Christian, Captain of Ramsay, sent out two boats carrying more armed men to help the smugglers. Six of Dow's crew were arrested and four of them spent months in confinement at Castletown.⁴⁸ 1 1

The Hope was carrying a cargo of tea, silks, chintzes, pepper and India goods worth in the region of £12,000. The loss of so rich a seizure must have been as painful for Dow as the incarceration of part of his crew. He later described Man as the last resort of 'Bankrupts, Thieves, Rebels and Murtherers...late arriv'd to the greatest pitch of Disaffection to his Majesty and Contempt of the English Nation.' Captain Foley, visiting the Island the same year, agreed with Dow. Secure in the protection of the deemsters, 'the smugglers Often assemble themselves together, caballing and forming Schemes against his Majesty & Government, and drink his damnation, and all his Royal Issue, and such like healths; and prosperity and success to the Pretender.'⁴⁹ 2

When Joshua Robinson and George Tollet provided information to an earlier Parliamentary committee investigating smuggling, they found themselves facing a felony charge. Two customs farmers on the Island complained that Robinson and Tollet had stolen their papers and though Tollet was afterwards acquitted by the jury of indictment, the Clerk of the Rolls refused to register the verdict and Governor Thomas Horton advised the jury to reconsider their verdict. Tollet fled to England and applied to the Privy Council for support.¹¹³

The 1750s and the Seven Years War did bring changes in the smuggling trade, but the precise nature of those developments is a matter of dispute. Winslow and the Muis, approaching the mid-century from different directions, argue that the contraband trade was becoming more businesslike and more capitalistic, less dependent on local markets and armed gangs. The war years have been described as a time when the tea trade, 'if not flourishing, was at least relatively undisturbed by the smuggling trade.'¹¹⁴ Dermigny cites evidence pointing to a different conclusion; French trade with China was disrupted, and quantities sold at the London auctions increased, but so did the amount of tea imported by Sweden, Denmark and Holland. Unless there was a rapid upsurge in continental tea drinking, these additional cargoes were destined for disposal through the smuggling networks, with British consumers as the end users.¹¹⁵ Reports from the main exporting

centres at the end of the war, convinced Grenville there was a need for new measures. Buying out the Duke of Atholl and bringing the Isle of Man within the jurisdiction of the Treasury was considered essential.¹¹⁶ £50,000 worth of contraband was said to be sold in the Island each week and neither the cruisers patrolling off Man nor the landguards on the mainlands were proving effective. Setting up new patrol boats to operate on the Scottish side of the Solway Firth was justified by the extent of the trade from Man.

When it is not proposed that any of the present Officers or Guards against Smuggling should be dismissed or reduced, this additional Charge to the Revenue may appear High, but when the present State of the Isle of Man, the Wealth and Riches of the Inhabitants, Their Spirit for Carrying on the Old, and trying New Branches of Illicit Trade, the Situation of the Island with respect to Great Britain, the Great Extent and Nature of our Coasts, so favourable for Smuggling and the immense loss the Nation Sustains, are all considered, It is hoped the Expence will not be thought too Great.¹¹⁷

The Revestment Act was agreed in 1765, the British government paying £70,000 to the third Duke of Atholl. A number of smuggling entrepreneurs left Man and settled in the Channel Isles, developing new links between Guernsey and the north western coasts of Britain.¹¹⁷ The Isle of Man lost its position as a major entrepot for the smuggling trade, but the Manxmen continued to hire out their vessels, transferring goods from larger cutters sailing out of the continental ports and running them ashore on the mainland. Before the Act, importing and warehousing the staples of

the contraband trade was a legitimate business enterprise. Eliminating smuggling itself depended on the effectiveness of prevention. The Manx themselves had developed a taste for duty-free liquor and local demand provided the stimulus for illicit importation, then, in the early 1780s, there were moves towards a more substantial revival of the Island's role as a smuggling base, described by the Customs officials in Douglas:

You know Sir, in what audacious manner the Scotch Smugglers for more than this Year past, have infested this Island, sometimes landing sometimes transshipping their Goods within its Ports in order to run them more easily & safely into Great Britain. The Galloway Company have their Partners & their Agents settled here for carrying on this villanous Trade. By these the Fishermen of the Island are seduced from their proper Occupation and a great Part have turned Smuglers as formerly. The Merchants who have engaged successfully in the Herring Trade complain that the Fishery is injured by these Smugglers, the Shop Keepers that they can't find vent for the Goods they lawfully import & must turn Smugglers themselves in order to subsist. In short, this little Community, which was beginning to flourish in legal Trade & Industry is in danger of Relapsing into its Pristine State and the Object of Government in purchasing the Island likely to be frustrated.

The Officers on the Island were themselves thwarted in an attempt to prosecute the Jane, a suspected smuggler, and her cargo of wine. Since they were prepared to undertake the case at their own charge, the opposition of the Board of Customs was hard to understand.¹¹⁸

Focusing attention on the chartered companies, the sale and transportation of contraband in Europe, and the principle smuggling entrepots, brings out the fact that smuggling was an organised business. Population growth, an improved standard of living, changing patterns of consumption, and the government's continuing dependence on duties, all served to underpin the contraband trade. Bigger ships, heavier armaments, more men and larger cargoes, meant higher initial expenditure in the later period, but Cal Winslow's definition of smuggling as 'a defence of the local economy, as against the development of commercial capitalism', becomes harder to accept the more closely the free trade is examined. There were not many 'good and worthy "social criminals" hermetically sealed off from other kinds of crime,' and even fewer smugglers operating outside the network of commercial enterprises and personal contacts through which the illicit market was coordinated.¹¹⁹

Notes to Chapter One.

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Chapter Two

Criminality, Corruption and Collusion.

The eighteenth-century preventive services.

I

Positions and Promotions; Patronage and the Revenue Services.

Customs were collected as goods were brought into or taken out of the country, while excise duties were imposed on both domestic produce and certain specified imports, such as tea, coffee and chocolate. Walpole's Excise Bill, proposed in 1733, was for an extension of the existing scheme to include tobacco and wines. The tax was paid when goods were removed from bonded warehouses, but both Customs and Excise officers had a responsibility to prevent smuggling. Excise procedures were less complex, and there were fewer opportunities for officials to exact additional fees and gratuities, but it was high duties which provided the main incentive to smuggle, not the methods of assessment and collection.

Reporting to the Parliamentary Committee in 1783, the Revenue Commissioners expressed the view that their 'Inland Establishment' was 'calculated rather to detect Frauds than to resist Violence' and could manage little 'beyond the detection of small illicit Importations and Exportations attempted by Merchant Vessels or by the Coasting Trade.'¹ The Customs were taken out of farm in 1671 and the Excise in 1683; both branches were supervised by central Boards whose Commissioners were subject to the authority of the Treasury. Positions in the revenue services were often the only government appointments in the outports and officials

were entrusted with a range of administrative tasks, including their policing role against the smugglers, but the collection of duties and the regulation of trade remained the priorities. A system of dual control was established in every port, the Collector received the duties while the Comptroller kept an account of all monies; neither had independent access to the King's chest, where all payments were kept. The cocket, an official seal providing clearance for outward cargoes, was also made up of two halves, each in the charge of one of the chief officers. The Searcher was the third patent officer in a port, checking loadings and that cargoes on board corresponded with the goods listed on the manifest.

The Collector was also responsible for the other officers in the port, the Tide Surveyors, Tidewaiters, Coastwaiters, Landwaiters and Riding Officers. Tidewaiters, or Tidesmen, were boarded on inward and outward bound vessels to prevent goods being run ashore; the number varied between two and eight, according to the nature and value of the cargo. The Tide Surveyors decided which men should go aboard and inspected the ships to make sure they were still on duty. The Landwaiters supervised the unloading of cargoes from overseas, and the Coastwaiters dealt with goods shipped from one home port to another. Riding Officers patrolled the coasts, reported sightings of smuggling gangs, and liaised with the military detachments sent in aid of the revenue. They came under the authority of the Collectors and the Surveyors-General, men like John Collier and Major Battine, given overall charge of the Riding Officers for Kent and Sussex respectively.

There were also the coal-meters, appointed to collect duties from the colliers delivering cargoes in London and the outports, boatmen, providing a waterguard along the shore, the crews of the revenue cruisers, and casual workers taken on as tidesmen or weighers during busy periods.²

There was a clear hierarchical structure and established bureaucratic procedures; Collectors answered to the Board, directed the other officers working in the port, and liaised between the Commissioners and the cruiser commanders. Aware of the structure and objectives of the system, Elizabeth Hoon is highly critical of departures from codes of practice and departmental regulation, in particular, the interference with the Commissioners' powers of appointment and the survival of patent offices which had become simple sinecures.³ These were impediments to departmental efficiency but the eighteenth century was a period of transition as the machinery of central government was distanced from the workings of aristocratic patronage. John Brewer challenges claims that the primary purpose of the executive branch was, 'to provide outdoor relief for the political classes' and that the civil service was undermined by 'a political culture which subordinated administrative skill to the operation of a thriving system of clientage and graft.'⁴ Even so, networks facilitate the workings of modern bureaucracies, overcoming departmental isolation and linking the political and administrative sectors of government; in the eighteenth century patronage, clientism and nepotism provided the means of coordinating the various branches of government, maintaining the essential connections between the centre and the provinces. Rulers

and ruled were aware of how the system operated. Without exchanges of favours, practical support for clients and kin, and a pragmatic approach to laws and regulations, administration would have broken down. There was no large pool of literate and numerate persons available to staff the growing bureaucracy and no means of enforcing provisions for training and qualification. Newer departments, such as the Excise, provided clearer career structures for their employees but they still had to try and reconcile the needs of the service with the availability of suitable recruits and the pressures of patrons.⁵ Criticisms of the Customs can assume a greater potential for bureaucratic order than was in fact the case. The rule against appointing local men and the requirement that officers be regularly removed as a safeguard against familiarity with smugglers and other traders, proved impracticable.

When vacancies arose, candidates sought to enlist the support of appropriate patrons. Direct approaches to those in high office were unusual, but applicants were well aware of the existence and functioning of elite networks; which of the neighbouring gentry had connections with county and regional magnates, the influence wielded by government ministers, and the extent of the authority exercised by local officials. There was also a keen appreciation of the power of the vote in a constituency with a restricted franchise.

Departmental records show why staff were removed, but not why they were selected in the first place. The private correspondence of Sir Robert Walpole and the Duke of Newcastle is often more informative, supporting Lisle's claim that too many officers held their appointments as 'Favors from their Members, and much more attention paid to their Interests as Votes, than to their Abilities and Education for the Duty of their Offices.'⁶ The Duke of Newcastle, as Lord Treasurer, had direct control over some places in the Customs, but it was as an influential local magnate that those seeking positions in Sussex approached him. The Collectorship at Shoreham fell vacant in 1747 and William Norton of Hangleton was anxious to obtain it. Whatever his qualifications for the office, Norton, his two brothers 'and several of his near relations are freeholders and in case of any opposition...might be of some service in this Jacobite sink of the Country.'⁷ The Duke of Richmond also concerned himself with the Customs service in Sussex, insisting that Walpole consult him before a new Collector was appointed at Shoreham in 1733 and vigorously opposing Charles Eversfield's nominee for the senior Riding Officer's position at Chichester. There was a long standing feud between Eversfield, a Horsham magistrate, and Richmond, who suspected him of Jacobite leanings. Richmond was instrumental in getting the Shoreham Customs cruiser transferred to Chichester in 1738, a move he insisted was essential for his reputation in the town.⁸

Securing a position in the revenue service could well depend on choosing the right intermediaries. Learning one of the Riding Officers was terminally ill, Richard Huntley wrote to John Fuller, a major landowner in West Sussex, asking to be recommended to Newcastle as a suitable applicant, 'as I am inform'd tis in his Gift I Dont Doubt but I shall stand a very good Chance for the place.' Huntley reminded Fuller of his support at the last election, and pledged his family's votes to Stephen Fuller at the next.⁹ The problem for Huntley was that the Fullers saw themselves as commanding their own political power base, and there were underlying tensions between them and the Pelhams and 'Mad Jack' Fuller had led the Tory opposition against Newcastle in the Sussex elections of 1734.¹⁰

As Lord Treasurer, Newcastle could issue Treasury Commissions appointing officials over the heads of the revenue Boards, but there were understandings between the magnates regarding their respective spheres of influence. The Duke of Dorset, as Lord Warden of the Cinque Ports, appointed his own port officials and was also consulted over positions in the Kent Customs service. William Solly, Collector at Sandwich, was fearful his backing for Sir Robert Walpole's preferred candidates in the general election would lose him his office when the Pelhams took control. He wrote to John Collier, Newcastle's political agent at Hastings as well as Surveyor-General, desiring his intercession. Collier informed Solly that following a recent 'remarkable' appointment of one of 'their interest' to

a Customs post in Romney Marsh, the Pelhams 'had made assurance to the Duke of Dorset not to interfere in Kent.'¹¹ Dorset took a close interest in the administration of his patronage. In November 1733, Solomon Sparkes the younger was supposed to take over from his father as Riding Officer at Hythe, but Sir George Oxenden the Sandwich MP and himself in Treasury employ, refused to sign the warrant, insisting the position was reserved for John Redsole. The matter was submitted to Dorset, rather than the Board, and Sparkes the elder was superannuated, his son appointed to Hythe, and Redsole found a place at Folkestone.¹² The same year, Dorset was being advised to assert his influence with the Sandwich Custom House if he wanted to retrieve his political position in the Isle of Thanet. The loss of trading privileges at Margate and Ramsgate 'had given the other party an opportunity of gaining ground very considerably.' If the Sandwich officials were to come over to Thanet, then foreign goods could again be landed, to the benefit of local merchants and tradesmen.¹³

It was in the period leading up to the 1741 elections that Solly felt he had put his position at risk, particularly through his opposition to Oxenden's election. Those employed in the Customs were banned from participating in election campaigns but the rule was unrealistic, since the employees of the revenue services could be a substantial proportion of the electorate in the outports. Events in East Kent showed just how active was the involvement of some of the

officials. Oxenden had dismissed Thomas Paramour from his position as a Riding Officer and a relative was so incensed he was threatening to spend £3000 to deny Oxenden the Sandwich seat.¹⁴ A fortnight later Oxenden was reported treating the freemen of Deal:

Mr Hayton the Surveyor & Dan^l Brown, Boatman, got a Rabble of Seamen with abt 20 Musketts & went at the Head to Meet Sir George. Rails like a Devil at the Ministry & wou'd (had not Mr Carr, Collector hindred him) have displayed the Customhouse Flags.¹⁵

Solly felt that if some means could be found to remove Oxenden from his office, it would achieve far more than 'a riding officers Employ For Mr Tho^s Paramour.' Sir George had convinced the Deal officers he had the authority to appoint and dismiss, and the prospects were that the Customs establishment in the port would support him.¹⁶

Carteret Leathes, MP for Harwich, was also concerned with the balance of power within his constituency. A leader of the Post Office group, he was keen to extend his interest to the Custom house. His failure to reinstate two of the Tide Surveyors had 'occasioned a very cold greeting from my friends here' and a third Harwich officer had been superannuated to make room for a nominee of John Cornelius, the General Surveyor at Ipswich. 'If the Collector and Mr Cornelius succeed, the figure I shall make here will be so contemptible that I must leave the whole management of the Corporation to them.'¹⁷

The deferential forms of address, and the extent of the patronage wielded by the great magnates, can sometimes obscure the reciprocal nature of relationships within the networks of interest. John Collier's standing within the Hastings elite was such that he could promise 'to keep every thing quiet in the Town and to discourage any opposition' to the Duke of Newcastle's candidates. Provided Collier was assured of an office in the Customs bringing in £100, 'you will have him entirely in your Interest at Hastings and everywhere else.' Forty years later, Newcastle was reminded of the practicalities of clientage when he tried to exert pressure on Edward Milward, Collier's son-in-law and the dominant figure in Hastings affairs. The Duke had resigned from the Treasury and Milward was not prepared to support Newcastle's nominee against Bute's in the elections. Customs officers made up the majority of voters and Milward was both Collector and Surveyor-General. When Newcastle considered the creation of an opposition group among the jurats he was reminded that Milward had 'a clear majority of Interest in the Corporation and no publick Corporation affairs can be done without his approbation.'¹⁸

Constructing and consolidating political alliances, establishing reputations, saving face and winning votes all played a part in filling vacancies. So did simple humanity. Thomas Washer was recommended as a Riding Officer for Seaford in 1719. Thirty years later Washer requested Newcastle that he might resign in favour of his son, his

daughter-in-law being 'very sickly and not Able to go through the farming business.' Nicholas Russell was 'out of all business' with a family to support and Nicholas Tanner, a former ships master of good repute was 'reduced to low Circumstances and being more than fifty years of Age is hardly able to endure the hardships of the Seas any Longer But very fitt for a Riding Officer' or any post in the service.¹⁹

According to Hoon, 'Any survey of the system of appointment leads to only one conclusion: it was open to abuse at every turn, and efficiency suffered accordingly.'²⁰ The implication is that extensive organizational reform was both desirable and feasible. Measured against ideal models of administrative structures, eighteenth-century governmental institutions had their shortcomings.²¹ The weaknesses of the Customs service were apparent to contemporary observers, but they also realised that patronage and clientage were an important part of the social fabric. Interference with the established and legitimate exercise of influence in one area could well have provoked a wider withdrawal from public life by members of the propertied elite. Nor was it only members of the upper echelons who had clienteles; there were 200 Tidesmen in the Port of London and another 1100 'glutmen' taken on as needed; this reserve of casual labour was described as the patronage of the 'Inspectors of the River and Surveyors of Customs.'²²

As one of the Customs Commissioners, Sir William Musgrave could write with authority on the deficiencies of revenue officers, but he failed to acknowledge that the Collectors' disciplinary powers were limited; even the dismissal of a crewman from a Customs cutter required the Board's approval.²³ Neither were the Collectors and other officials in the outports necessarily dependent on their salaries and fees as government officials. John Collier was unusual in the range of his activities but his close involvement in local affairs was not. These men would not have denied the importance of computational skills and knowledge of the relevant statutes and regulations, but they had to apply the laws with discretion. Accepting a composition made far better sense than leaving a smuggler in a debtors' prison while his family went on the parish, and smugglers themselves were voters, dependents, employees and partners. Loss of reputation is seen as the strongest safeguard against abuse of trust and opportunism in modern business networks. Similar considerations would have applied in the eighteenth century, where legitimate and illicit trade were interlocked. For the smugglers, broken promises and unpaid debts meant loss of business; for influential patrons and local dignitaries, withdrawal of support in time of need meant loss of face. In Newcastle's papers, smugglers seeking pardons feature almost as often as frequently as candidates for office. In both instances, intervention was seen as a way of creating and sustaining goodwill in local communities, the key to effective government.

Community Policing; Accommodating the Smugglers

Peter King cautions against any approach to eighteenth-century government which assumes a general respect for the law:

Attitudes to the law were complex, and in any specific situation they were contingent upon the degree to which legal sanctions and the methods used to enforce them coincided with notions of what was acceptable, or at least tolerable to the interest group concerned. Individuals and communities were highly selective in their approach to the law and its institutions, taking advantage of, assenting to or revering certain parts, while attempting to ignore, flaunt, or oppose others.²⁴

Those responsible for law enforcement also exercised their discretion; policing by consent may stem from communitarian ideals or the inability to apply systematic coercion. Either way, it is not the simple implementation of the criminal code. Douglas Hay's portrayal of the ruling elite using the law to consolidate the interests of property through a carefully balanced diet of retribution and magnanimity, requires that offenders appear before the courts in the first place.²⁵

Collusive seizure, whereby smugglers and revenue men reached an arrangement as to what goods were to be surrendered, and which sections of the law were to be applied, was strictly forbidden by the Commissioners. The officers were more pragmatic. In 1783 new contracts were drawn up

for the Customs cruisers which included a ban on collusion. Captain Fisher of the Yarmouth based Hunter protested at this slight on the reputation of the service, but added that their purpose was to prevent illicit trade, and this was managed as well when the smugglers gave up their cargoes peaceably. Fisher's crew had earlier refused an engagement with a smuggling lugger on the grounds that there was no provision for them or their families if they were killed or crippled.²⁶

Seizures could be very profitable, and after 1783 the cruisers were supposed to be funded from the proceeds, but there were often complications. The Exchequer Court had to rule on the legality of the arrest, aggrieved merchants might sue for redress, and the Commissioners could be slow in meeting the costs of prosecution. The Board paid for the replacement of masts, rigging and cables, if they had been cut free to save the ship, but damages sustained in the pursuit of smugglers were the responsibility of the contractors.²⁷ Keeping a large revenue cutter in a seaworthy state was expensive in itself; John Sharp, a former commander, maintained that repairs to three cruisers had cost £5000, 'a Sum sufficient for the Completion of Six New Cutters' of the design he favoured. Before risking harm to his ship, a commander had to be sure his quarry was a smuggler, that it was sailing within the limits of a port, and that he could effect capture. As Captain Fisher made clear, a partial seizure managed peaceably was preferable to loss of life sustained trying to bring in the contraband, the cutters and their crews.²⁸

Warren Lisle was a former commander of the Weymouth sloop and his duties included the inspection of the Customs vessels from Portsmouth to Lands End. He was convinced that corruption and collusion was occurring along much of the south coast. The commanders and mates on the four cutters patrolling from St Alban's Point to Berry Head, 'agree with the smugglers and content themselves with a small share' of the contraband.²⁹ Thomas Wellard, Isaac Pearce and Peter Vellack, the captain and owners of the Happy-Go-Lucky, told the Governor of Guernsey the reason Wellard had opened fire on the Hawk, was that Captain Douglas 'had refused to accept the terms that had been offered him for suffering the said Thomas Wellard to smuggle goods.'³⁰ A resident in Boulogne in the 1730s stated it was well known that whenever a cruiser caught a smuggler:

he takes only about two thirds of the cargo and leaves the other one third to go on with that trade; and never seizes the vessel, wisely considering for himself that if the vessels were all confiscated the owlers would lose their commission as their being no occasion for them.³¹

The same point was made in 1783, when it was noted that despite a fleet of 56 cruisers, seizures were 'of an inconsiderable Amount and there is too much Reason to believe that a Proportion even of that small Amount arises from Collusion between the Smugglers and Revenue Officers'.³² Five years later one of Pitt's correspondents, considering the failure to bring in the smuggling cutters, while managing to take their goods, asked whether it was to be expected 'they should wish to put a stop to that from which they draw such an yearly benefit?'³³

The outport records from East Anglia confirm that collusive seizures were a regular practice. Cyprian Bridge, commanding the Argus out of Harwich, made two seizures off Southwold in 1775. The masters of the smuggling vessels, a 50 ton lugger and a 75 ton cutter, told Bridge they were prepared to surrender their goods provided no attempt was made to take the ships. Bridge did not feel it was necessary to try and conceal the fact that he had reached an accommodation with the smugglers.³⁴ Later in the year a boarding party from the Bee was forced to quit a smuggling cutter, leaving their weapons behind. These were returned five days later by the master of a fishing smack who had met up with George Campbell, the cutter's captain, at Dunkirk. Campbell had declared it was the intention of all the smugglers landing goods on the east coast to destroy the Bee and her crew at the earliest opportunity. They did not believe the Bee's captain had a deputation to stop and seize, and the Harwich Collector had been informed:

the Commanders and Mates of some of the Revenue Vesels upon this coast, jealous of the Bee, have taken this Method to render her unsuccessful. We have made Captain Bridge acquainted with this, but he strnuously denies having ever mentioned her to the Smugglers but as having equal authority to seize as his own vessel.

Yet Campbell had said he would have surrendered immediately if a party from the Argus had boarded his cutter. Reporting this episode, the Collector stressed the need to confiscate

the carriers as well as the contraband 'for all the smugglers confess they would rather lose three cargoes than one vessel. We always insist officers do seize the vessels and boats. The contrary practice is the way some officers get money.'³⁵ Faced with the new form of contract in 1783 Cyprian Bridge left the service of the Customs and took command of the Prince of Orange packet.³⁶

Bridge was not alone in making collusive seizures and the smugglers expected to arrive at such compromises. When the Aldeburgh Customs cruiser rammed and boarded a cutter, the crew 'earnestly entreated the mate of the smack to take the goods on condition he would not seize the cutter' even offering to transfer the tea themselves. The master of a wherry stopped on the River Orwell offered to hand over half his spirits to the Customs boatmen and faced with having to fight for the lot, they agreed.³⁷

William Haggis, mate and later commander of the Argus, exposed the corruption among the Bawdsey officers, stationed at the mouth of the Deben. Harris had taken a boat ashore and encountered a party of fifty smugglers loading up a consignment of contraband:

As they advanced towards them, the Bawdsey Officers came from amongst the Smugglers and went down to the Boat which part of the Argus's crew were unloading, and endeavoured to prevent them, telling them that they had seized her and the goods in her before the landing of the Argus's people.

Haggis was 'much wounded in the head and face' in the ensuing fracas, but it was night time and the blows could have come from the smugglers, the Bawdsey officers, or his own men. Henry Davies, the Harwich Collector, considered it strange that the same smugglers who had fought off 'sixteen stout fellows of the Argus well armed,' should have tamely surrendered their goods to five unarmed Bawdsey boatmen.³⁸

Paul Rock describes the law as two-faceted. 'Gallows confessions, legal statutes, jurisprudence and judicial pronouncements emphasised the magnitude of the divide which separated the wicked from the good' but the process of law enforcement, and the adaptations necessitated by the practicalities of policing, made for a murkier reality:

The consequences of law were eminently negotiable. Legal penalties and inducements combined to create an equivocal, malleable scheme which could be exploited by the knowing...Justice came to resemble a market place in which an elaborate trading economy developed. The moral and the immoral, the regulated and the regulator, came to be utterly entangled in one another.³⁹

The practice of collusive seizure might be used to illustrate the entanglement of regulators and regulated, but the process was not necessarily amoral. Fiscal and economic policy objectives could be partially achieved through co-operation and reciprocal arrangements between officers and smugglers; lives might even have been saved as a result. King's emphasis on the element of choice, whether to obey the law or to ignore it, to apply it fully or selectively, should be set

alongside Rock's picture of law-breakers and law-enforcers so enmeshed in each others activities as to lose all sense of distinction. This could happen, and former smugglers employed by the revenue services were sometimes alert to the opportunities open to them. But for many officials it was a matter of attaining the best outcomes possible within the framework of regulations, statutes, customary usages and available resources.

This was the case with compositions. The penalty for running contraband, provided the culprits were unarmed and offered no resistance to the officers, was a penalty three times the duty and a fine, imposed by the magistrates or the Court of the Exchequer. In the event of a substantial seizure where there were few arrests, those caught could find themselves owing thousands of pounds to the Crown with no prospect of ever paying off the debt. Detaining an impoverished smuggler for an indefinite period in a debtors' prison was in no ones interests, unless the prisoner's associates were to come forward with the money. The man's family would have to seek parish relief, he had to be provided for, and the Crown had to be content with its share of the proceeds arising from the auction of the seizure. Allowing compositions, reduced penalties paid to the officers, had several advantages: court appearances could be avoided, prisoners released to support their families and remove a burden from the poor rates, and Collectors enhanced their local standing if they supported applications to compound. The system was open to abuse, offenders falsely pleading

dire poverty and officers using the threat of proceedings to extort further payments for the same offence.⁴⁰ However, the reports sent to the Commissioners and the Treasury show the revenue authorities were generally well informed as to the extent of the prisoners' involvement in the trade and how much they or their associates could afford as a composition. The lists of smugglers imprisoned for debt in 1729 show that many of them were poor, with no prospect of finding the hundreds, and sometimes thousands of pounds they owed. William King's debt was in excess of £10,000, but he was described as 'very poor.' The families of Richard Poorman and George Carter were on the parish. Peter King, John Hill, Richard Chapman, Thomas Vaughn and Richard Roots were all reckoned to be without means of payment, but were considered potential informants. Yet among the farm servants and mariners appear some men of substance. There were ship's captains, farmers 'worth £500', a Customs officer and James Carent, 'A Surgeon & Man midwife and a Malster, tis believed he is worth money.' John Maltus, held in Norwich Castle, owed £5,000 for owling wool and the Barons of the Exchequer were considering transportation if there was no effort to pay. Joseph Vaines, a prisoner in the Fleet, held a number of houses by copyhold, none of which could be taken to pay his debts.⁴¹ John Carbold was to end his smuggling career on the gallows, but at one stage he was negotiating with the Yarmouth Collector through an intermediary:

Mr Forster...who is a man of fair character having been with us on behalf of Carbold, he alledges that he is an industrious fellow & that he is fully satisfied if this affair is made up that the man can return to his family he will entirely forsake the gang as he has a prospect of a competent maintenance by the public house, but if he has not the good fortune to succeed therein, he must return to smuggling for a support, as he cannot publickly appear to follow any other employment.

Forster offered to pay ten pounds composition and Samuel Jacombe reckoned it was as much as Carbold could afford; 'if the man sincerely intends to forsake smuggling (if he can secure his freedom) it will lessen the number of smuglers.'⁴² Joseph Jarey claimed his wife and children 'were in a starving naked condition' following his confinement in Bury gaol. The vicar, churchwardens and overseers of his parish all confirmed this, but the Collector was opposed to accepting a small composition. Mr Baker suggested that the same friends who had set Jarey up as a publican could come up with a sum sufficient to satisfy the Revenue and secure his release. Jane Meadows eked out a living from a parish house, selling small parcels of contraband delivered by Solomon Rolfe and William Breame. Rolfe was new to the business, but his associate had been handling illicit goods for some years, 'and tho his circumstances are thought to be very indifferent we believe he can, or will be enabled to pay twenty pounds.' James Frances, a journeyman boatman and labourer, had to sell a pig and his only cow to meet a debt to the Crown.'⁴³

The 'Blues' were a small gang working the North Norfolk coast in the early 1770s. John Callow and his son had often crossed the North Sea to purchase contraband in the Netherlands, and had an ideal outlet through the Black Horse, the pub they kept in Whitechapel. William Allen and William 'Duke' Blunderfield were also innkeepers; Allen had been smuggling, 'for a considerable time, and if he has not got some Money, he has made a bad use of that time.' Ben Blunket, a former glover, had been concerned in 'many affairs' and, 'as to his being a smuggler, it is very clear he follows nothing else.' His most recent ventures had been 'in a small thing bought at Brancaster,' in which he sailed with Thomas Olley, John Callow and William Simpson. It was not thought that Blunket had, 'prospered in his ventures.'⁴⁴

The Commissioners objected to compounding on principle; fines and imprisonment were intended as a deterrent and reducing the penalties to meet the smugglers' ability to pay was an uncomfortably utilitarian approach to law enforcement. At the same time they could appreciate the practical advantages and invariably went along with the recommendations of the outport officials. The revenue laws were being circumvented, but there was no intention of subverting them. By contrast, there were officers who saw their legal employments as a means of furthering their more profitable criminal careers.

III

The Spoils of Office

In September, 1776, the Speedwell Customs cutter was at anchor in Studland Bay when the lugger Good Intent was sighted standing for the north shore. The Speedwell's boat was sent to investigate, but the lugger was boarded first by a party from the Laurel, a second Customs cruiser. The men from the Speedwell could see bags of tea and casks of spirits on the deck of the lugger and 'in the Smugglers boat alongside.' No one from the Laurel asked for any assistance and before the Speedwell's commander could react, the smugglers landed one boatload of goods and passed them over to the waiting riders. According to a crewman from the Good Intent, her commander, Brabell Friend, and the captain of the smuggling lugger, William Rogers, had arranged a joint venture. Rogers was to pick up eight hundredweight of tea and 60 casks of brandy from Alderney and deliver them on board the Laurel. John Bolton, the mate, and three of the Laurel's crew sailed with Rogers across to the Channel Isles. When the lugger was boarded by the Speedwell, Bolton claimed prior seizure. The remainder of the contraband was taken out of the Laurel at Poole the next day but none of it was delivered to the King's warehouse.⁴⁵

The Laurel was supposed to patrol the coast from Beachy Head to St Alban's Point but Friend never took her east of the Isle of Wight. Most of the time the Laurel was tied up at Weymouth or 'interfering with the Speedwell Cutter', while 'the famous Gulliver' was landing £50,000 worth of contraband a year within the limits of Poole. Warren Lisle

reckoned that twenty waggon loads of goods were run at a time on the Hampshire and Dorset coasts and attributed the smugglers' success to the corruption of the master, mate and men of the Laurel. When Brabell Friend gave up his command he continued as a contractor to the Customs Commissioners, with no share in any seizures. William Lander, the new captain, found it impossible to carry out his preventive role; Friend kept giving him orders to remain in harbour, and he had strict instructions never to cruise to the east of the Isle of Wight.⁴⁶

Another instance of active participation was reported on the Yorkshire coast. Having left their Supervisor in a drunken stupor, three Redcar tidewaiters went down to the shore to keep watch for an expected run. They saw three boats, one bringing in some casks, the second from the Eagle cruiser, and the third from the Trial schooner, 'lately fitted out at Shields to Cruise against the Smugglers by Mr Richard Armstrong, first Clerk to the Collector of the Customs at Newcastle on Tyne.' John Terry, one of the tidewaiters, reported the smugglers taking casks from the Eagle's boat, and encountering no resistance. When the Redcar officers tried to seize some of the spirits they received no help from either of the revenue boats.⁴⁷

The Redcar Collector later complained of the cruiser commanders' 'inattention', and the North East was poorly served in the 1770s.⁴⁸ James Major, the commander who grounded the Lord North on the Castle Rocks off Guernsey, and wrecked the Duke of Grafton off the Isle of Wight,

was given command of the Ferret in 1775, based at Stockton-on-Tees. The vessel was rat infested and the crew deserted. Unhinged by his experiences, Major wrote a letter to Sir William Musgrave, threatening to kill him; the Board decided to dispense with the commander's services.⁴⁹

Collaboration of the kind described at Redcar and suspected on the part of Brabell Friend, was not a matter of expediency or role confusion; the participants were fully aware they were in breach of trust. Yet there were grey areas and reformers found their work hampered by customary practices, sanctioned by long usage and common interests. In 1787 the Parliamentary Commissioners concluded that more than one sixth of the money spent on the Customs organization in the outports was paid either for useless service or to sinecurists. Those holding the sinecures appointed poorly paid deputies, making for inefficiency and encouraging corruption.⁵⁰

The system of fees, whereby merchants paid for the services of the officials, was only partially standardized and there were some which had come about as the result of a series of understandings between merchants and officers. The distinction between collecting legitimate fees and requiring additional payments to expedite Customs clearance, was not always clear cut. Those in the employ of the Customs had no assurance of regular wages some had to live on a pittance. The boatmen at Weymouth received £20 a year, thought to be the reason for 'the many frauds that have been committed in that Port,' but they were £5 better off than their colleagues at Sunderland while the Sandwich tidesmen received an annual retainer of £10 and two shillings a day when they were working.⁵¹

Regular pay at realistic levels, greater certainty of detection, and lower duties would all have contributed to a reduction in malpractices but would not have ended the frauds. Merchants often went to great lengths to avoid low duties, concerned by the procedural delays and the short working days of the Custom houses. Capital tied up in cargoes could not be recovered and creditors satisfied until the goods were cleared. Excise duties were simpler to calculate and collect, while the bonded warehousing of goods meant those imposts did not have to be paid at the time of importation. Debenture goods, intended for re-export, could be kept in store until no shipment had been arranged; with such a system there was no need for drawback payments, the return of monies collected at importation and the source of numerous abuses. Tea was subject to excise duty from 1724, so any link between the scale of smuggling and the type of duties imposed was very tenuous. The intention of the excise scheme was to encourage more careful observance of the revenue laws by legitimate traders; different strategies were needed to cope with the professional smugglers. The failure to extend the excise to wines and tobacco in 1733 checked the process of substantial fiscal reform until the 1780s. Blatant examples of corruption were punished by fines and dismissal but occasional purges made the remaining officers more circumspect rather than more honest.

From the time of the 1688 Revolution to the consolidation of the Hanoverian dynasty, attempts were frequently made to establish a connection between official corruption and Jacobite sympathies. Proven cases were few, and the Commissioners were unwilling to penalise their employees for finding themselves caught up in the vagaries of political life.⁵² Any officer identified as a dedicated supporter of the Stuarts faced instant dismissal, but anyone could lodge an accusation. Disgruntled subordinates, dissatisfied superiors, and disappointed seekers after office, all had reason to wish to see an officer removed. Henry Baker's proposals for a landguard of Riding Officers, backed up by small military detachments on the Kent coast, was preferred to the scheme put forward by Walter Devereux, suggesting a fleet of fast, lightly armed patrol boats, easily launched from the beaches.⁵³ Not content with the merits of his own project, Devereux denigrated Baker, charging him with collusion, sale of offices and vexatious prosecutions, 'His greediness for gain...will render him unfit for so great an undertaking as the general surveyorship of the customs service in Kent and Sussex.'⁵⁴ Baker responded by accusing Devereux of harbouring a known Jacobite. The Treasury conducted an enquiry but the outcome was inconclusive; the only charge against Baker which could be substantiated was his accepting compositions without specific Treasury authorisation.⁵⁵

The Customs were subject to more criticisms than the Excise, but malfeasance occurred in both services. John Warren, serving at Sandwich, was awarded £50 in 1710 for exposing 'very great frauds carried on between officers and brewers and maltsters about Sandwich, Dover, Deal and other parts of Kent.'⁵⁶ Regulation of the brewers and distillers was a matter for the Excise, as was the assessment of bounties paid to cereal exporters. Barley frauds flourished in Norfolk; grain was left to sprout on the floor, or taken from the kiln before drying was complete, so making for greater weight on which to claim payment. It was estimated that the various frauds perpetrated in the county cost the revenue £64,710 from 1715 and 1719. The officers blamed the merchants for bribing the corn meters, and Norfolk MPs for interfering on behalf of the exporters.⁵⁷

Sir John Cope's committee, investigating fraud and smuggling in 1733, reported at some length on the activities of David Boys and John Hatch, specialists in the importation of contraband wines and suspected of aiding Jacobite agents entering and leaving the country by way of the Hampshire coast. The pair employed a variety of stratagems, including straightforward bribery. When a ship lay off the coast, waiting an opportunity to run its cargo, the smugglers 'would give a hint to some leading officer, and he would pretend he had an information at a distant place: so would take all those inferior officers with him as were likely

to cause any interruption.' Most employees in the Customs service 'wished more for the success of the smugglers than for the interest of the Crown, or else those frauds could never have been carried on in so public a manner.'⁵⁸ But offices were regarded in the same light as property and when Walpole moved against corrupt officials in London and Southampton the view was expressed that dismissal was a harsh penalty for only 'taking Care of their Families and making the most of their Places.'⁵⁹

Fifty years on and another Parliamentary committee identified the same failings. Smuggling was:

managed with little Risque, through the collusion and corrupt Practices of the lower Class of Revenue Officers, who receive ascertained and known Prices for their Assistance in conveying the Goods to the Shore.

The complex duties and the payment of fees, added to low pay and 'great Temptations' had produced 'an Intimacy and Connection between the inferior Officers and the Merchants which is very prejudicial to the Public.'⁶⁰ Warren Lisle, with experience working on the London establishment as well as aboard the cruisers, did not believe the problem was confined to the lower levels of the service, stating that bribery and corruption was 'much practis'd from the Collectors down to the Tidesmen and Extra men.'⁶¹

The Harwich Collector related corruption to status and class. Learning that the crew of one of the port's cruisers were doing brisk business selling contraband spirits to local publicans, Griffith Davies noted the financial imperatives in operation. A seaman made twelve times as much dealing in contraband liquor as he would from the proceeds of a seizure. Cruiser commanders did not personally search the bilges when they boarded and smugglers bought off the rummage crews with a few bottles, 'as these sort of people seldom have any other considerations than their present private interest.'⁶²

Sir William Musgrave showed the same disdain, dismissing the Riding Officers as 'apothecaries, brewers and other tradesmen' often related to the smugglers and acting as agents and collectors for them. Lisle, having inspected the Cornish ports and observed entire cargoes being landed without Customs authorisation, maintained that the 'superior as well as inferior officers' had to be involved and thought it was only the backing of their patrons, anxious to retain political control, which kept the officials in their places. At Penzance he discovered a merchantman making two voyages a year to Madeira in ballast and returning with wine. If the quantities entered at the Custom house were accurate, the sale of the cargoes would not have raised money sufficient to meet the crew's wages. The Collector was dismissed, but his son succeeded to the position and good quality wines were still available at reasonable prices.⁶³

The officers were not simply countenancing illicit trade, they were active participants. Asked to explain how a cargo of Spanish wines had been landed at Penzance with no duties collected, the Collector could only suggest that the bulk of the shipment must have been run before the vessel came into the harbour. The previous month, Edward Giddy, a local magistrate and critic of the revenue officers, had reported 20 tons of tea and up to 2000 casks of spirits landed between Penzance and Marazion without attracting the attention of the officers.⁶⁴

In December 1781 the Falmouth officials were informed by two of their colleagues at Penzance that the Mary, a known smuggler, had sailed with a consignment of contraband, bound for London. The ship was searched at Falmouth and found to be carrying twenty-six hogsheads of French and Spanish wine, two pipes of Portuguese wine, a hogshead of brandy, and two barrels of raisins, 'all of which was ship'd at Penzance under Denomination of Train Oil (and each Cask besmear'd therewith thro' Deception.')

The coast dispatches were in order, but the shippers were 'some notorious smugglers' as was Mr Gluyas of Marazion, part-owner of the Mary. The brandy was supposed to have been bought at auction, but was 'very Superior in Quality' to that usually sold at the Cornish Custom houses and quite unlike any in Gluyas's stocks. It was possible the liquor was substituted at sea, or the Mary had diverted to the Channel Isles, but just as likely that the only train oil

ever to leave Penzance was the one barrel found at Falmouth.⁶⁵ An informant described how the smugglers would buy prize goods at Plymouth and Dartmouth, apply for export licences, then reland the goods. 'Outdoor Officers, particularly the tide waiters, must connive and assist in this Business, and being People of the lowest Class are soon overcome with a Bribe.'⁶⁶

Corruption within the revenue services might appear to meet Rock's depiction of the eighteenth-century criminal world, in which offenders and law enforcers were inextricably bound up in each others activities. It provided officials with additional income and the contraband dealers with potential leverage, as well as reducing their risks. Yet in the same way as 'Every political actor in the eighteenth century was fully aware of the distinction between the justifiable and illegitimate use of influence', so most of those in the service of the revenue were conscious of the difference between establishing a *modus vivendi* with the smugglers and engaging with them in lucrative association.⁶⁷ The difficulty was in drawing the distinctions between mutual accommodations, designed to expedite the workings of an antiquated method of tax collection, and systematic fraud, intended to frustrate all attempts to collect duties. Low salaries, casual employment, and importunate merchants all put pressure on the revenue men, but just as conducive to this climate of 'defalcation and speculation' were the customs and usages of the waterfront.⁶⁸

Criminal Collusion or Working the System?

Assessing the way business was conducted in the port of London, Peter Linebaugh concludes that:

The division between legitimate and criminal transactions was never clear at any level. Purloining, bribery, fraud, collusion, embezzlement wage payment, perquisites, the purchase, the sale, taking, 'borrowing', London courtesies, the payoff and the blind eye took forms that were barely separable in the daily traffic of the river. On the waterfront the hidden hand was flesh and blood, dealing in gold and socking tobacco.⁶⁹

Growth in maritime trade was placing a strain on existing port facilities and the revenue services. Captains wanted to discharge their cargoes as soon as possible but the myriad weighings, measurings and computations required before goods could be cleared encouraged bribery at the different levels. There was little to distinguish the extra-tidesmen and glutmen, taken on and laid off as required, from the lightermen, boatmen and porters making a precarious living on the river. None of them could afford to be overscrupulous when it came to earning money, and they all had to coexist within the local community.

There was similar ambivalence in the outports. At Harwich, Dover and Falmouth it was expected that the officers and crews on board the packet boats would smuggle. According to Griffith Davies, writing in the 1740s, the 'pacquet people' sailing out of Harwich, 'would stop at nothing to injure us.' The immediate reason for this outburst

was a suspicion that the tide surveyor had accepted bribes to allow the crews to bring in contraband. Mr Wharry's explanation for failing to seize some spirits was that it was for the crew's personal consumption and the 23 gallons of brandy were intended to make egg flip.⁷⁰ The Customs and Post Office establishments formed two rival political factions in Harwich, which explains the bitterness of some of the reports when contraband was found on the vessels making regular crossings to Holland. At the same time, in a small community reliant on the sea for a living, there had to have been frequent changes of employment, and ties of kinship, friendship and interdependence linked the seamen whichever service they were in at a particular time.

Incidents were more likely to have been reported when there was some interruption in the normal pattern. In 1737 the seamen from the Prince of Wales objected when Thomas Shearman seized 20 pints of gin from the 60 taken on at Sluys. The tide surveyor told them to bring back more, 'and then I will leave you more, for I will have my Quantity.'⁷¹ Shearman's approach to preventive work would not have won the approval of his superiors. The packets were privately owned and carried the mails under contract; regular crossings to Holland furnished opportunities to smuggle, while the terms of engagement encouraged it. An established seaman was paid £1-2s-6d month, less than on a revenue cruiser and with no seizure monies yet commanders had no difficulty attracting men. Each vessel had a regular crew of eight, and three or four supernumeraries:

And there is such a value set by the commanders on the employment of their mariners, even on those of the supernumery mariners, that William Farley, who is recommended for a tidesman...was obliged by Capt.Smith to pay ten shilings[Sic] for a man to take the voyage in his stead the time he was arrested, though he had no wages himself.

These additional hands were not needed to sail the packets but were, 'enabled by smuggling to keep themselves and some of them large families.' When Farley refused a second time to pay for a substitute, Smith dismissed him.⁷² John Cornelius, the Ipswich Surveyor of Riding Officers, reckoned he saved the revenue thousands of pounds by ending the practice of landing brandy at Harwich 'with the connivance of the Officers.' Seizures from on board the packets were small, but frequent; 262 gallons of brandy and 36 gallons of gin were confiscated over a three month period in 1725, and if these were collusive seizures, it would indicate substantial amounts of contraband were being run successfully.⁷³

The Customs Commissioners suspected the Dover officers were concealing the identities of local smugglers, as a result of their idleness or complicity. John Collier was instructed 'to excite the officers under his survey to greater diligence' when 200 anchors of spirits were landed in the space of two days, but there was little hope of action since, 'not one of the officers at that port, being related to the smugglers, will meddle with them.'⁷⁴ When an Excise boat was appointed at Dover for the first time in 1754, 'it was thought complaints had been made by some people of the packets bringing over large quantities of goods.'⁷⁵

Besides the packet boats carrying mail and passengers to Calais and Ostend, Dover had a fleet of bye boats offering an alternative passenger service. Richard Hall, agent for the 'packets', anticipated the effects if an Act was passed stipulating that all vessels carrying contraband be seized:

I think all this must be a great Stroke upon our Wine Merchants in the Bye Boats & go the farthest towards bringing them downe for we know by the Paquet Boats that they cannot be above one half supported by the Passengers-their wine trade indeed will do the rest, for I am inform'd from Calais that the person who Coopers their wines there Cooper'd no less than 80 hogsheads in one year for one of them only, & pretty near as much for each of the rest.⁷⁶

Such quantities were never entered at the Custom house and the wine traders bribed the officers put on board their ships.⁷⁷ Hall wanted to see the bye boats out of business, arguing that the smuggling interest in Calais did everything in their power to encourage his competitors' passenger trade while French officials harassed the packet boat commanders.⁷⁸ Thomas Mortimer, the consul at Ostend, with no personal interest in the packets commercial success, described how corruption was practically institutionalised. The mates and seamen were all married men with families, but their wages were 'not in proportion th the Captains salary,' and low pay put pressure on them to smuggle.

Passengers would assign their contraband to members of the crew, who brought the items ashore at Dover to await collection or conveyance on board the Dover stage. Mortimer was sure that neither passengers nor sailors could land any goods 'without the Connivance of the Officers' and suggested better pay would make for improved performance. The ships and the homes of the mates should be searched on the evening of their return, 'as should those of the crews on the bye boats belonging to the Dover firm of Minet & Co. sailing into Calais, Dunkirk and Ostend.' The packets did not carry great quantities of goods at a time, but the regularity and frequency of their crossings, and the involvement of the entire crew, 'from the Mate to the Cabin boy' made it an extensive trade. When the packets sailed to Flushing they were said to have brought back more contraband than the smuggling cutters. Once back from France or the Low Countries, there were few problems with the revenue-men. 'For connivance at landing things at Dover the packet men make an annual present to the Officers but particular articles have their immediate premium, as for Burgundy, Champaign & Claret, half a Guinea per dozen.⁷⁹ Smugglers and revenue-men both had a vested interest in the perpetuation of the contraband trade, a business which depended on government regulation and where the officers were rewarded whether they were diligent or derelict in the performance of their duties.

Mortimer had wanted his consular powers extended to include authorisation to search British ships before they left Ostend, and to be able to demand information concerning the ships' passengers and cargoes. Presenting himself

as a source of information on the smuggling trade was intended to impress Lord Grenville. Officials in the revenue services were often acting to promote their interests when submitting reports. The more formidable the smugglers, the more pardonable the officers' caution, the greater the volume of contraband, the more reason to retain a preventive force. Those laying charges against officials were also motivated by more than a love of honesty, propriety and the good of the service; some of the letters sent to the Commissioners, often anonymously, were inspired by malice, or were designed to rid the locality of an efficient officer. While they might be suspect as a source of information about the revenue services, these letters can provide insights into the local community.

Robert Smith, a Customs boatman at Cromer, was the subject of an anonymous letter written in 1768:

This serves to inform your honours that altho' a great part of the inhabitants of Overstrand, Cromer & Runton, joining Parishes on the Coast of Norfolk, does make a common practice of smuggling, there are yet some amongst them, tho' but a few, that are faithful, who at length perceiving the Fraud to be carried on in a very notorious manner, thought it to be right & just in Committing this to your hands, to disclose the following officer, not doubting but you are very sensible that when an Officer is become partial to Trade and has a peculiar interest depending amongst the dwellers and near his district, he can make but an indifferent servant to his Majesty.

Smith's son had opened a shop and Smith was letting the local fishermen buy contraband gin from the smuggling cutters as a way of encouraging the new business.⁸⁰ John Ward,

the Yarmouth Collector, thought the letter was a device to remove a conscientious officer, while the awareness of the Board's concerns suggests a colleague was the author. John Jewell a Cromer Riding Officer, was suspect. Three years earlier, Ward had spent some time investigating a suspected smuggling ring involving the coal meters and fishermen at Cromer. Nothing could be proved against Jewell, but he had made false entries in his journal to cover the fact that he had taken no action after Smith told him there were Dutch cutters hovering off shore, and when waggon tracks were found leading from the beach, Jewell declared there were so many it would be pointless to try and follow them.⁸¹ John Polhill, a Riding officer at Lydd, was supposed to have agreed with:

William Fagg and Company to go to the Amount of ten Voyages then Mr Polhill was to have 50 tubs of Brandy carried about a Quarter of a mile from the Sea side as the Company should not see him take these Contract tubs for fear of some complaints.

He protected the smugglers by claiming prior seizure when other officers seemed likely to intervene, and warned them to move their goods if there was a chance of discovery. Only a fraction of any contraband taken up by Polhill ever reached the warehouse.⁸² The Dover Collector maintained the information was an unjustified attack on a conscientious officer and John Savory, the informant, was after Polhill's position. Polhill had an outstanding record of seizures in the 1780s, and the Dover Collector was most likely correct in his assessment of the complainant.⁸³

At Mousehole in Cornwall, William Carey used the threat of prosecution to blackmail local people who were handling contraband. Carey's mistake was to press too hard, first taking bribes, then seizing the goods anyway. One of his victims was a woman with four young children and her husband a prisoner-of-war in France. According to the Penzance Collector, the complainants were, 'a set of most notorious Smuglers...who would stop at nothing to get him removed.' An understandable desire on their part, but Carey did little for the reputation of the Customs service.⁸⁴

In May 1781, Francis Bradley, tide waiter at St Michael's Mount, was concerned in selling some indigo stolen from the Neptune brig by two of the crew. Bradley had confiscated the indigo and sold it to a Penzance silversmith. He was remanded to Bodmin gaol, but was back serving in the Customs four years later. According to Bradley, he and two colleagues had a seizure rescued from them after refusing a bribe of a dozen casks of gin and brandy. The smugglers maintained that they had ferried some spirits round from Lands End to Perran Cove, where it was seized. As the rest of them were walking away, John Thomas called them back, saying 'he had agreed with the Officers for a certain Number of the Ankers and desir'd them to Assist him in Carrying off his Part.'⁸⁵ Bradley was posted to Mousehole at his own request but was soon asking to be moved for neither he nor any of his family dared leave the house, even in daylight, for fear of being murdered; the Collector chose not to believe him.⁸⁶

George Eaton, Supervisor of the Happisburgh Riding Officers, was the subject of complaints by a Customs colleague, an Excise officer, and the military commandant in charge of the detachments on revenue duty on the Norfolk coast. On May 6 1781, Francis Quincey and William Darby, Riding Officers for the Excise and Customs respectively, sighted a suspect cutter. They alerted the officer at Sherringham and the nearest soldiers, then, finding no signs of the smugglers at Beckhithe, they split up and made their way to Bacton, Quincey arriving after the others. They had been joined by Eaton and a party of soldiers, who had seized a consignment of tea, spirits, and Indian handkerchiefs. Eaton, Darby and William Crosley, the Sherringham man, received equal shares in the seizure award, but when the Supervisor refused to pass on anything to Quincey, the exciseman questioned Eaton being alone 'among the smugglers.' There were more than 100 of them and he could not have been making a seizure by himself.⁸⁷ Eaton's complicity was more obvious in a later incident. He accused Christopher Cutting of a collusive seizure at Paston. Coming across a run, Cutting and his two assistants were told they could have the 30 casks still lying on the beach, but any move towards the smugglers' boat would cost them the seizure. While waiting for one of the assistants to bring a cart down to the beach to take away the tribute:

I heard a great Riot at the Boat and directly came riding to me Mr Eaton's son & began to abuse me in a shameful Manner, & then called his Father who came in the like Manner & swore there was between 4 & 500 Tubs by the Boat although he have told me since there was but 11; the Son, who is reputed to be a notorious Smuggler, persuaded the Father to make me go to the Boat and the Sailors came up and swore, 'dam your Eyes Cutting, if you do, you shall not have a Tub left;' in this Situation was I abused, too shamefully by both Son and Father, & seeing a Number of Smugglers surrounding me ready to rescue the Tubbs put me in a great Passion that I expected Nothing but losing my Seizure, as I verily believe was what they wanted.

Cutting was left to load and move the casks himself, with the Eatons riding along behind, claiming he intended keeping part of the goods for himself.⁸⁸ It took Eaton three months to enter a complaint against Cutting, and he withdrew it when Colonel Lauree informed the War Office and the Commissioners that he did not trust Eaton and his son was a smuggler.⁸⁹ There were many examples of malpractice, and frequent assertions that malfeasance was ingrained, but it is difficult to find evidence of persistent and systematic corruption permeating the revenue services. Warren Lisle believed the senior outport officials were unreliable witnesses, too often involved in dubious dealings themselves but John Collier was neither dependent on his position as Surveyor-General of the Kent Customs nor ever suspected of being in the smugglers' pockets.⁹⁰ He was responsible for inspecting Customs officers for fifteen years, but neither his correspondence nor his reports confirm there was widescale corruption.

Thomas and John Jordan, Riding Officers at Folkestone, were accused of purchasing seizures of tea and spirits from the soldiers, and there was a suspicion they were dealing with the smugglers. The Folkestone Collector of Excise was informed that the Jordans were related 'to several of the great smugglers, and the only reason I can give for smuggling being brought to such a height in this place is these officers screening the smugglers.'⁹¹ The following year Collier had to reprimand the Jordans for going out on duty without proper weapons, and losing most of a seizure made at Folkestone Warren to a gang of unarmed Irishmen.⁹² Against this ineptness and possible malfeasance was the Jordans' record in 1741 when they seized over a ton of tea, well above the totals managed by their colleagues in the rest of the county.⁹³ In March 1745 John Jordan wrote to the Board reporting several gangs active in the area, demanding free drinks at the pubs, shooting through inn signs and threatening to 'cure' any 'bad' officers. Folkestone 'could be compared to nothing more like than a frontier town in a state of war' and the commandant at Dover Castle would not send troops to assist.⁹⁴ The newspapers reported that Jordan had incurred the displeasure of the smugglers and they had attacked his house, 'destroy'd his Goods and took what Plate they could find:'

And one of the Smugglers observing a Man to look thro' the Glass taking Notice of their Actions, he went into the Room, and endeavoured to shoot him, but missing Fire, the Man snatch'd up a Pistol and shot him dead. They then made off to Hyde[Sic] and joined the rest of their Companions; who, one and all, agreed to rescue the Body of their deceased Friend, and another of their Companions who was in Custody, but being on the Road to Folkestone, were informed the Townsmen were up in Arms against them, and had sent to Dover for a Detachment of Soldiers, upon which they march'd off threatening Vengeance.⁹⁵

These later reports do not exonerate the Jordans since the Wealden smugglers were running goods along a greater expanse of the Kent coast and, as outsiders, may not have abided by local arrangements. Folkestone was a smuggling town, and two years later, 'Folkestone and Hawkhurst' fought a pitched battle in Wingham after an intercepted run near Margate.⁹⁶

Collier tended to be charitable in his evaluations of the men under his survey. When John Vavasour and Freebody Dray admitted falsifying their journals, recording the seizure of half as many bags of tea as was the case, he accepted their story that they had left the rest for fear of a rescue if slowed down by too heavy a load. 'It did not appear to me that they were guilty of fraud or connivance or that they knew any of the smugglers but am of opinion it was cowardly fearfulness.'⁹⁷ The boatmen at Kingsgate were often drunk and disorderly. When it proved impossible to reform them, they were replaced, only for the new boat's sitter to tell the Sandwich Collector to take back his deputation when he was rebuked for absence. John Crickett, 'a young sober able seaman' was recommended as the replacement.

Yet Collier had reported the crew of the Dover cutter complaining of Crickett's neglect in 1736, and in 1738 he was dismissed from a position in the Customs at Sandwich then re-employed as a Riding Officer at Dover. Whatever his performance as a preventive officer, in 1758 John Crickett was commander of the Antelope privateer, facing charges for running contraband on the Kent coast.⁹⁸

General Hawley maintained that the Riding Officers in Sussex and Kent made a habit of plying the soldiers with drink as the smugglers made their way inland, free from the fear of pursuit, and tried to take the soldiers out without their officers. Collier and Major Battine, wanted specific examples of misconduct but none were produced. Major Johnson, commanding the coast detachments at the time, reckoned that any negligence stemmed from fear more than corruption.⁹⁹

V

Poachers turned Gamekeepers: Recruitment Problems.

Though prepared to defend those under his survey, Collier was well aware that some of the Customs employees were men of dubious reputation. In November, 1736, John Ayling, second mate of the Shoreham cutter, named a number of smugglers who had forcibly resisted a boarding. Among them was Thomas Young, whose more permanent position was as a crewman on the Amelia, the Rye Customs Sloop. Neither this incident, nor his involvement in an assault at Rye, both known to Collier, cost Young his position.¹⁰⁰

The victim at Rye was Gabriel Tomkin, a leading member of the Mayfield gang in the 1720s, suspected of involvement in the murder of Gerard Reeves, concerned in the release of Bigg and Walter from custody at Lydd, and transported for his part in a run at Bulverhythe. Escaping from New Providence to Cuba, Tomkin gained a berth on board the Happy man-of-war and returned to England in May 1724. As a returned convict, he faced the death penalty and 'could not settle in any lawfull way of business but was obliged to skulk about the Country and carry on the Smuggling trade to get Bread.' Captured and confined in the Surrey county gaol, Tomkin volunteered to appear before Sir John Cope's committee. He was afterwards recommended for government employ 'detecting and breaking the gangs of smugglers and in seizing goods attempted to be run.'¹⁰¹

Tomkin was given a free hand to search out information in Kent and Sussex, and supplemented his income by acting as a sheriffs' bailiff. It was in that capacity that he came down to Rye in 1736, intending to serve a writ on Thomas Moore. Young was one of those who signed Moore's bail bond and returned later for the assault and attempted kidnapping. It was afterwards learned that Henry Geale was with Tomkin at Rye, but he had 'rather a worse character' than Tomkin, and his evidence was thought 'best left alone.' Tomkin had the distinction of being concerned in the murder of a revenue man when he was a smuggler, and a smuggler when he joined the preventive service. He escaped punishment for either offence but Geale had appeared at the Maidstone assizes charged with killing John Bilson, a dealer in contraband.¹⁰²

Tomkin had no career ambitions as a revenue officer and early in 1737, an informant signing himself 'Goring' sent in an account of the activities of the Groombridge gang included a mention of Tomkin, now Surveyor of the Dartford Riding Officers:

there can be good reason given that Jacob Walter brought him goods for three years past, and it is likewise no dispute of that matter amongst all the smugglers. The Bunces and Jacob fought about that matter and parted Companys and Mr Tompkin was allway as most people knew a villain when a smuggler, and likewise officer. He never was concerned with any Body but Jacob, and now Jacob has certainly done with smuggling.¹⁰³

At the same time as he was combining the roles of smuggler and preventive officer, Gabriel was providing cover for a suspected highwayman, Thomas Black, who 'rode about the country with arms and made seizures pretending to be a customs officer.' Black was another smuggler, an escaper from Southwark gaol, where he was imprisoned for debt.¹⁰⁴ Tomkin quit his position in 1741, leaving Dartford and moving to London. He went on to become a highwayman and a housebreaker and worked with Jeremiah Curteis and the other master smugglers based in and around Hawkhurst. Gabriel Tomkin was eventually executed in 1750, for holding up the Chester mail four years earlier.¹⁰⁵

Tomkin was not the only employee of the Customs service previously concerned in a smugglingrelated killing. George Walker was with a party of smugglers when a London watchman had his skull fractured trying to seize a parcel of tea.

John Hanning was the probable culprit, George Watson was executed for the crime, and Robert Hanning went into exile to escape arrest as an accomplice. George Walker turned King's evidence and 'as a Reward for such his Information' was made a Riding Officer, based in East Sussex.¹⁰⁶

The rationale for the employment of former smugglers was straightforward and pragmatic. Thomas Jeffries was recommended to Collier as a man 'well versed in all the arts and secrets of smuggling and now lying under the displeasure of the smugglers' for turning informant. John Stoddard, a smuggler in Winchester gaol, had been 'a most notorious and daring Offender,' but Warren Lisle felt that 'from his Knowledge of the English & French Coasts by being on board one of the Luggers he will be of great service to the Revenue.'¹⁰⁷ Stephen Roalfe, incarcerated in Norwich Castle owing thousands of pounds to the Crown, had no reservations in proposing himself as the man best fitted to rid the east coast of smugglers:

I do not say I never did do any smuggling, but as I have no money to make any satisfaction, I am willing to render all the service in my power as a Recompense and will by your Lordships granting me a Cutter of my own Choice do more service than any man in England in that way-Should I be so Happy to find favour in your Lordships, I will by Gods Leave take in hand with one Cutter only to stop the practice of smuggling in both Countys Suffolk and Norfolk to your Lordships full satisfaction.¹⁰⁸

The revenue authorities were sure Roalfe had the means to offer more tangible compensation, or if he did not, then he had smuggling associates who did.¹⁰⁹

The Commissioners and senior outport officials were prepared to take on former offenders in the same way as they would purchase the services of an informant. Any distaste was subordinated to their utilitarianism; suspected murderers and convicted smugglers could be accommodated within the preventive services, provided they had something to trade.

John Brewer compares the Customs unfavourably with the Excise, 'remarkable for the industry it was able to elicit from its officers and for the care with which administrative abuses were anticipated and pre-empted.'¹¹⁰ Yet contemporary observers could be critical of the Excise as well, and not just because of the powers of entry and search vested in the officers. One critic contrasted the inland and coastal regions. In the former, frauds were prosecuted, and penalties severe enough to deter the contraband trade but:

In Maritime Counties the Revenue daily suffers through officers who were born and employed in those Counties. These Officers always saw their Ancestors countenance Smuggling, they do the same as smuggling is habitual.

Rather than face the difficulties associated with prosecuting neighbours, the officers would deny knowing the identities of those from whom goods were taken. At Dorchester, only twelve out of the 102 seizures made between October 1781 and July 1786 were from known men. Illicit sellers of liquor in Weymouth outnumbered licensees by ten to one and this state of affairs was attributed to the connivance of both Customs and Excise officers. The two excisemen had only been at the port for a few years, 'yet each of them have bought him a House which brings him about a hundred a year.'

They could not have afforded such properties out of their salaries and the implication was that they were receiving substantial bribes.¹¹¹

Excisemen were well instructed in measurement and computation, but clerical and mathematical skills did not impress armed smugglers. As preventive officers, employees of the Board of Excise faced the same dangers as their counterparts in the Customs. 'Assistants' were recruited to provide the physical force needed to combat the smugglers. Thomas Walter, an officer at Horsham, formed his own posse, sometimes difficult to distinguish from their adversaries.. The Times described them as:

'a banditti whose malpractices disgrace our laws and society even more than smuggling...they go armed in bodies, and under the sanction of their pretended office, commit all manner of violence and depredations to the great injury and terror of persons living in the neighbourhood of their haunts.¹¹²

Alexander Remington would have provided ideal evidence for the Times's case against these 'bush officers.' Once 'a notorious Smuggler in the Neighbourhood of Maidston,' Remington was afterwards employed as an assistant in the Excise until he was indicted on a charge of assault and then arrested on suspicion of highway robbery. Tried and convicted at Maidstone in January 1786, the local magistrates were anxious that Remington should not receive a pardon. He had stopped and searched innocent travellers, seized contraband without proper authority, stolen horse fodder for himself and his associates and left two men and their

families dependent on the parish, 'owing to their having been totally disabled by Him; having been almost hack'd to pieces. These Men were indeed Smugglers, but unarm'd & made no resistance.'¹¹³ John Wright and Anthony Draper, Folkestone Excise officers, wanted to arrest an outlawed smuggler and claim the £500 reward. Denied military assistance, they brought in Christopher and Nathaniel Barrett, a smuggler turned informant and his highwayman son.¹¹⁴ Whatever the ideals of the service, and the level of discipline, the officers on the ground had to use the resources available to them and the personnel of the different services often faced similar situations. As with the Customs, there were examples of peculation, indolence and corruption among the excisemen, but these do not prove the institution was irredeemably flawed. The absence of fees and sinecures placed the Excise in a position to provide a more professional service than the Customs, but when it came to dealing with smugglers, and operating in communities where contraband running was a significant economic activity, Customs and Excise officers carried out the same preventive role and employed similar methods and resources; they were also subject to the same pressures and incentives. Employees of the Excise did not enjoy superior pay and conditions, and there is no reason to assume a higher quality of recruit. As John Brewer says, 'No bureaucracy can entirely preclude embezzlement and malpractice or prevent some of its employees from failing to perform their duties properly.'¹¹⁵ Any inclination to

condemn the preventive services en bloc should be kept in check. The concept of office as a form of property right was well entrenched, with an inevitable overlap between legitimate and illegitimate exploitation of that right. It would be anachronistic to expect eighteenth-century revenue officers to abide by standards of behaviour devised at a later time to meet the requirements of a different society. Equally important is the evidence that despite the opportunities, the intimidation, and the poor rewards of government employ, so many 'inferior officers,' were prepared to risk the enmity of the smugglers. Agreeing to collusive seizures, or having to accept token tribute, did not mean they had been bought, nor that there was no distinction between officers and free-traders. Too often the criticisms of their performance were coming from those who were themselves insulated from the dangers and discomforts of a thankless job.

VI

Drunk and Disorderly:Disciplinary Problems

Whatever the practices of politicians and officials, there was a clear notion of what constituted proper conduct within government departments. Opportunism was tolerated until it threatened the functioning of the system, then action was taken. This was usually directed against the 'tidesmen and other inferior officers,' of the revenue services though it was these men, denied a living wage,

and barred from supplementing their pay through other work, who were forced into 'breach of trust and combination with Smugglers.'¹¹⁶ The policy makers had to decide whether the Treasury would benefit from draconian measures against corruption. The sums collected in duties were the outcome of numerous transactions: on board ships, along the wharfs, in the long rooms, and at the bonded warehouses. Disruption of established practices, for the sake of bureaucratic order and control, would have achieved little without changes in attitude and personnel. Those employed in organizations develop their own agendas, and if the pursuit of personal interest undermines the purposes of the institution, then action becomes necessary. Otherwise, accepting that policy objectives will be only partially met, may well prove the more effective course, making for continuity within the service. One disadvantage of this approach was that staff were not treated consistently. Minor infringements could result in instant dismissal, while activities bringing the service into disrepute went unpunished. Patrons and the workings of local political networks help explain these variations since the appointment and dismissal of Crown employees were not the concern of their superiors alone.

John Nodes, when a Riding Officer at Manningtree, was described as susceptible 'to the effects of a little too much liquor.' This was after he had knocked down and ridden over a carter on the Dovercourt road, chased the man at swordpoint into a nearby house and threatened to 'cleave down' the mayor when he and Captain Phillips from the Customs

cutter intervened. Nodes remained in the service, was promoted to Supervisor at Ipswich, and brought in a number of wanted smugglers in the later 1740s. Robert Liffen, mate on the Hunter cutter, reached the stage where he was refusing orders and putting the ship at risk by leaving the helm unattended. On one occasion the crew had to separate Captain Fisher and his first officer:

Robt Liffen by his own Confession is frequently insane, at which time he put by all proceedings & make the people so unhappy in their duty that complaints are frequently made to me & if immediate redress be not made to them, they quit their employ intirely on his account, and declare it is not possible to live with a man whose insanity at times makes him unhappy to himself.¹¹⁷

Drunkenness and insubordination among the Customs boatmen at Faversham, Sandwich, Kingsgate and Dymchurch was dealt with by reprimands, demotions and dismissals. The Sandwich men were made to sell their fishing nets to conform with standing orders, but frequent bouts of heavy drinking did not cost them their positions. Collier noted the dilapidated state of the patrol boat and the low morale of the Kingsgate crew in 1741, yet it was two years before any action was taken.¹¹⁸ The Handfleet boatmen were charged with going out oyster dredging when they should have been on duty, turning up too tired for work, failing to pick up Mr Wilkinson, the chief boatman, and insulting him when he tried to correct them. They at first apologised, but then wrote to the Collector to give their opinion of Wilkinson.

We cannot help repeating the frequent aggravations and abuse we have received from him, such as calling us Dogs, Rogues, Scoundrels, Liars, Villains, Rascals, Savages, damning us for Blackguards, and using very approbious language much unbecoming a Gentleman.

While prepared to try and arrive at a reconciliation, the boatmen reckoned their officer to be too proud, 'never thinking he has enough homage paid him.'¹¹⁹ Nicholas Munt, who signed his name to this letter, was listed among the crew of the Handfleet boat the following year but the other men had either been dismissed, or decided there was better money to be made from oysters.¹²⁰ Munt's ability to keep the journals might have ensured his retention, but challenges to authority, justified or not, were normally regarded as far more serious than inebriation or incompetence. A Riding Officer, once he had secured appointment, could generally anticipate a long career in the service. Faced with an upsurge in smuggling in 1717, Philip Taylor, Collector at Weymouth, called for more Riding Officers, 'men that are hardy, unmarried and are well acquainted with the country.'¹²¹ Collier listed 53 men serving in Kent in 1741, none under 25 and eleven over fifty. George Herbert, stationed at Southborough, was described as 'very active, a stout bold man and a good officer,' but since he was 70, and patrolled a much-used smuggling route, Collier recommended Herbert be given some support. He continued to ride out alone until transferred to Tonbridge, where he remained until the age of 75¹²² The largest cohort among the officers was of men between 40 and 50, some of them

appointed when middle-aged. They were not necessarily less capable, but it was demanding work, with illness and infirmity the most common reasons for retirement.¹²³

Isaac Dagnett, commander of the Walpole, was feeble of mind, not of body. Recording how he had rewarded his crew with spirits from a seizure, the Collector noted that Dagnett, 'had not a head capable to perceive the ill consequences of such a precedent.' In January 1746 Dagnett seized John Batten's Bachelors Adventure; he then allowed a three mile gap to develop between the Walpole and its prize as they made for Harwich and the smugglers left on their own vessel were able to overpower the boarding party. After another seizure Dagnett let one of his prisoners go for treatment of a wound; the man did not come back.¹²⁴ Dagnett was at last retired in 1768, after an inspection at Harwich showed the Walpole's seizures were not meeting the costs of her upkeep. According to Davies, the captain's 'intellect began to fail him about five years before and have gradually got worse ever since.'¹²⁵

The revenue gained nothing if the cruiser commanders lingered in harbour, nor were those who practised collusion any deterrent to the smugglers. But an excess of zeal could result in altogether different complications for the Board. A former captain with Mascall's privateers during the War of Spanish Succession, Nathaniel Pigram was very active in the Customs service, claiming to have made more seizures than any other cruiser commander.¹²⁶ In 1725 the French ambassador complained that an English Customs

boat had come into Boulogne Road, 'in order to seize a Boat laden with Brandy and hath made frequent attempts of that kind.' The revenue-men were from Pigram's Amelia, and had sailed across the Channel after a smuggler they had first tried to intercept off New Romney.¹²⁷ Disputes between English and French fishermen, arguments over the searching of the packet boats and the detention of messengers at Dover, provided the Commissioners with enough irritations. Complaints from the French embassy, sent straight to the Secretary of State, created additional work at the Treasury and the Customhouse.

The officers from the cruisers justified incursions into French territorial waters by claiming to have been in close pursuit of known smugglers, sighted hovering off the English coast. Captain Arnett, commanding the Dover cruiser in the Excise service, already had one complaint against him when a second adventure ended with some of his men confined in a French prison. Arnett tracked a pair of luggers from the Kent coast to Boulogne road, when he sent a boarding party out. They went in too close to the beach and their boat was dragged in by the smugglers and a party of Frenchmen. Having been severely beaten, the excisemen were held first in a dungeon in Boulogne Castle for three weeks 'bruised and bloodied,' then taken to the town gaol where they were handcuffed and placed in the holes 'where the condemned Malefactors are put.' Removed after three days, the men were living on bread and water and sending petitions to the Excise Board, entreating action

to secure their release and promising 'that they will do their utmost to suppress Smuggling when released from this unhappy Place if your Honours think proper to continue them in their Bread.'¹²⁸

The Assistance was on patrol in the Dover Straits when a lug-sail boat was seen to the south of the Goodwins, heading for the English coast. Alexander Watson, mate of the cruiser, described how he chased the smuggler inshore:

Until those on board her finding it almost impossible to effect their escape, ran within half a Musket shot of Deal Beach intending to throw her cargo on land & with the strength of their connection & gang who are ever assembled & ready on such occasions, either by stratagem or force to have run the same.

The Assistance then followed the lugger over to Boulogne, where the cruiser came under small-arms fire. According to Watson, his men did not return fire, but discharged their weapons into the air, as evidence of their peaceful intentions, a gesture not appreciated by the French.¹²⁹

The largest of the cruisers was the Repulse, based at Colchester. Her commander applied for letters of marque in 1778, but before these had been conferred, and against orders to remain on station, Matthew Hopkins, the mate, took her over to the French coast. There he managed to ground his command on a sandbank near Calais. The French recovered the ship and held the crew, agreeing to an exchange of prisoners early in 1779. The Repulse continued as a

privateer, but under the French flag. The Board attributed her loss to 'wilfull misconduct and negligence' and refused to reimburse Hopkins for any losses incurred, but he remained in the service.¹³⁰

VII

Inter-Service Rivalries

It was deliberate policy to foster a degree of competition between the different branches of the preventive service, but this had its disadvantages. A report in the Sussex Weekly Advertiser described an unusual attempted seizure. Pankhurst and Newington, Riding Officers for the Customs, tried to relieve the excisemen of some contraband cloth or 'bale goods.' The soldiers escorting the seizure to Horsham threatened to open fire if the pair persisted in their efforts.¹³¹ In a similar incident at Sandgate, the Customs officers, learning that a party of dragoons and excisemen was searching houses in the town, called out their own military escort and went to investigate. Finding some tobacco had been confiscated they tried to have it taken to the Customs warehouse, but the local Collector of Excise made sure it was sent to Canterbury.¹³²

If the land and waterguards were to perform their preventive roles then there had to be compromises and accommodations. The uneasiness of the relationship was brought out when Peter Haslip, a Surveyor in charge of an Excise patrol boat and Thomas Jenkins, a boatman were killed in an affray to the south of Yarmouth in 1768. The

different accounts of the Customs and Excise Collectors indicated a degree of mutual antipathy not necessarily shared by the 'inferior officers.' Thomas Davies, Haslip's superior, described how a party of smugglers was captured at sea, then released by Haslip on their own request. According to the version from the Yarmouth Custom house, Haslip had given in to intimidation and set the smugglers ashore at Hopton, where a gang of smugglers was waiting. In the ensuing fighting, when the gang recovered their own boat and its cargo, the two officers were fatally injured. Much of the detailed description of this incident came from Joseph Ames, out on patrol in the boat from the Duke Customs smack. Ames had landed at Hapton and attempted to rally the excisemen, but the smugglers attacked again before moving off with their goods intact. Davies made no mention of the part played by the Customs men. If the two services had collaborated, the coast could have been better patrolled and provision made for mutual assistance on a regular basis.¹³³

From its inception the collection of the revenue was characterised by scrutiny and inspection to encourage an accurate rendering of accounts by officials. The Treasury would have looked sceptically at the arguments for long term co-operation. As it was, the Commissioners had to issue instructions on proper procedures within weeks of the first Excise boats being stationed at Dover. Arguments were arising over which service had the prior right to search the packet boats.¹³⁴ Interference with the profitable

workings of long standing arrangements linking Customs officers and ships crews could have been at the root of these disputes.

Contested seizure awards were another cause of soured relations. Solomon Earle, when with the Excise, described how he had searched the house of John Ford, accompanied by three soldiers and two Customs officers from Penzance. Sixteen casks of gin were found, and Earle went to fetch a horse and cart to convey them to the Excise warehouse. Once part of the load was under way, a Customs man redirected the cart to their store. When Earle complained, the Collector accused him of wanting all the proceeds from the seizure for himself.' Two years later Earle had transferred to the Customs and when this unusual move was questioned, suggested that former colleagues were set on tarnishing his reputation, 'by reason of my being very Active in detecting their favourite Lady who is the largest retail Smuggler in the west of Cornwall.'¹³⁵

Whenever new supervisory structures were put in place, the invigilators appointed to oversee the workings of the system came to appreciate the advantages of complicity with the merchants and smugglers, and the distance separating them from the Board. The Excise was free of the sinecures and patent offices, and there was less external interference with appointments. At the same time, senior officials could not avoid professional contacts with members of the local elite, and the line dividing occupational and social relationships was not obvious. For junior personnel there

were more pressing reasons for maintaining good relations with the other service; they never knew when they might need to protect each other against the smugglers, and there were likely to have been closer ties. The men employed by the Excise as boatmen, crew on the cutters, and Riding Officers, were likely to be drawn from the community within which they worked. James Bayton recorded the employment of outsiders at Dover, and the transfer of Dover men to Yarmouth, because such steps were unusual, despite the regulations.¹³⁶ Problems of recruitment and retention would have made it difficult to operate rolling appointments in either service. Like others concerned in administering the law in maritime regions, the excisemen had to learn the arts of compromise, and discover that a degree of flexibility could work to everyone's advantage.

Officers and men of the Royal Navy, assigned to assist the Revenue, were not so constrained by local circumstances. Naval sloops and men-of-war were certainly effective against the smuggling cutters, but the way the navy carried out its duties could engender great bitterness in maritime communities, as happened in Deal in 1764 when sailors in the boats from the King of Prussia used their firearms indiscriminately against Deal boatmen taking goods out of East Indiamen anchored in the Downs.¹³⁷

The press gangs guaranteed resentment against a naval presence in the ports, where revenue officers found themselves in an invidious position. They were under instructions to report known smugglers to the magistrates

and constables, as potential naval recruits, and acted as receiving officers in some ports, but they did not relish the role. King's Bench upheld the legality of pressing, but the local authorities decided how far they were prepared to assist in the process. Customs personnel could find themselves caught between the conflicting pressures of central government and their obligations as local establishment luminaries. From the navy's viewpoint, it must have seemed at times, 'that the whole of English society and government - politicians, merchants, justices of the peace, customs officials - was conniving to frustrate the seaman's would-be captors.'¹³⁸ Sir John Norris, failing in his efforts to find seamen in the Cinque Ports in 1734, was convinced there had to be four or five hundred suitable recruits in Dover, Deal, Folkestone, Sandwich, and the Isle of Thanet. Norris wanted to bring them in, 'which would not only be of great consequence for the service, but an effectual means to destroy a great part of the smuggling trade carried on in those parts.' Three weeks later H.M.S Captain and H.M.S Kent were stationed off Folkestone waiting to receive men rounded up by the press gangs. The mayors of Folkestone and Deal, the 'Bodar of Dover Castle,' one of the Lord Warden's officers, and the Sergeant of the Admiralty all insisted that every seaman in those towns carried protections; the Deal pilots even had additional ones, which they sold or gave away.¹³⁹

At the time Sir John was encountering these difficulties, John Jordan, the Folkestone Riding Officer, was writing

to the Duke of Dorset, the Lord Warden, advising him that it would greatly advance the cause of his candidate in the coming general election if he were to use his influence to get the press gangs removed.¹⁴⁰ Further along the coast, the Brighton fishermen were assured of support from the Duke of Newcastle when they sought protections against impressment, a move which consolidated his political position in the town.¹⁴¹

The Downs anchorage was a major centre for the activities of the press gangs, the intention being to take the crews from merchantmen making their way to the Thames and the Port of London. The seamen had plenty of assistance in evading capture as vessels from the Cinque Ports came alongside and offered to take the crews off. Substitute seamen were available, equipped with protections. The Customs cutters were as much concerned in this business as anyone else so there was some irony when Philemon Phillips, commanding the Deal sloop, had to request the release of three of his crew, held aboard the tenders after impressment:

and that their Lordships will please to give a general Order to prevent the Officers of the Customs from being Imprest for the future, and especially at this time, when the Smugglers are on all parts of the Coast and it is absolutely necessary to send the Sloops in the Service of the Customs to put a Stop to their Proceedings.¹⁴²

The only felons acceptable as naval recruits were smugglers, so many of them accomplished seamen, but, 'Little as Customs men liked smugglers, they hated the Navy more, and took

pleasure in interfering with its operations as much as they could.'¹⁴³ Failing to assist the press gangs was one way of expressing their dislike of the senior service. On one occasion, a party of men due to be transferred from Rochester gaol to the custody of the receiving captain, were released by the Customs officers.¹⁴⁴ The press gangs retaliated when given the opportunity, as with Phillip's men and the removal of Sam Dyball, taken on board the Prince of Wales tender in spite of a certificate of exemption secured by the Yarmouth Collector to protect a key prosecution witness in a smuggling case.¹⁴⁵ William Hamilton and Richard Smith, two London officers, were detained by the press gang on their way to Blackwall Stairs. They had planned to go out in the Customs galley and intercept Joshua Hill, a known smuggler, but were held long enough to enable Hill to row past, his boat loaded with bale goods.¹⁴⁶

Seizures were a frequent cause of controversy; the officers and men of the Royal Navy were enthusiastic smugglers and resented searches by the revenue men. When the Admiralty detailed ships to cruise against the smugglers, disputes arose over the distribution of the proceeds from joint seizures. More serious were the clashes which occurred when the services competed for the same prize. In 1768 an official stationed on Guernsey was attacked and thrown into the sea by three men from H.M.S. Fly. Captain Jones then refused to allow the Customs men and the bailiff aboard his ship to serve a warrant on the culprits. Jones himself had a commission to seize contraband goods, and 'therefore

ought to have assisted the Officers of the Customs in the Execution of their Duty.'¹⁴⁷ A more expensive clash occurred when the Hawke Customs sloop and H.M.S Seaford sighted a smuggling cutter simultaneously. Captain Caddy insisted the Custom House colours were flying and that he had hailed the Seaford urging her commander to 'Shear clear of him as he was then becalmed by the Ships Sails and could not get out of the way.' Instead of altering course, Captain Davies 'run on board the Hawke and carried away the main Mast and main Yard which last fell on the Boat and Stove her.' Having disabled the revenue cruiser, Davies sent two boats across to the smuggler to attempt a boarding, but encountering opposition, the boats withdrew and were hoisted back on board the Seaford, 'without taking any further notice of the Smugler.' Davies later maintained that he had mistaken the Hawke for a smuggler, and was 'determined to disable him to prevent his getting away.'¹⁴⁸ In October, 1771, a boat from HMS Wolf detained a smuggling cutter, but none of the Wolf's complement had a Treasury warrant or a Special Commission empowering them to make seizures. The Cholmondley Customs cutter then attempted to board the smuggler, but Thomas Jackett had his fingers sliced through by a sailor from the Wolf. The Commissioners were more concerned by the illegality of the initial seizure than the maiming of their employee.

A few months later an attempted seizure of two forty gallon casks of rum from HMS Venus, moored at Spithead, resulted in another affray, instigated by John Ford, the

first lieutenant, who himself obstructed the Customs men as they were trying to transfer the barrels of rum into their boat. Admitting defeat, the boarding party retreated, abandoning the rum, and as they moved off from the side of the Venus the sailors 'emptied the Ship's Urine Tubs upon them into their Boat.' The Commissioners observed how naval officers were 'too much inclined to treat the Officers of the Revenue with Harshness and Contempt.'¹⁴⁹

Captain Dobbin succeeded Gabriel Bray as commander of HMS Nimble, patrolling the Dover Straits. Some of his crew 'violently and forcibly' removed a seizure of spirits from Richard Cornelius, a Customs boatman at Folkestone. When Cornelius protested to Dobbin, the captain brandished a cutlass at him, and the Folkestone Surveyor made no headway in securing compensation for the boatman's loss. The Dover Collector took up the case, pointing out that such behaviour 'must of course be subversive and destructive of that Union and Harmony which ought to subsist between Officers of the same Department.' The fact was that naval officers on revenue duties did not accept the Customs and Excise personnel as colleagues.¹⁵⁰

The Swanage officers who planned to take over a smuggling cutter already in the hands of a naval boarding party were inviting confrontation. They ignored warnings and attempted to board, but the sailors swore 'they would blow all their Brains out & sink the Boat, having...receiv'd Orders so to do from their Lieutenant.'¹⁵¹ John Sarman, commanding the Swan cruiser, was carried on board HMS Alfred,

his hands tied behind his back, when he refused to surrender his prize, a United State's merchantman. Sarman attributed this mistreatment to 'the jealousy which the naval gentlemen are known to possess of their Honours vessels making captures of the enemy ships and I therefore felt it as indignant treatment.'¹⁵²

Admiral Vernon detested smugglers, convinced they were passing on useful information to the French. Gabriel Bray's experiences made him equally hostile, but for others the pursuit and capture of smugglers was a preferable alternative to languishing at home on half-pay. Seizures were a useful way of augmenting income but so was participation in the contraband trade. When James Bowen, formerly master of H.M.S Druid, wanted a referee to commend his work while on revenue duty along the Cornish coast, he named Captain Byron.¹⁵³ A month later Byron was brought to the Commissioners notice when a boat from H.M.S Tartar followed a suspect lugsail boat 'under a press of sail for Folkestone from the Coast of France.' After three shots had been fired the boat came to. Captain Byron was aboard and 'immediately abused the Officers in very gross language for Obliging his Boat to bring to, alledging he was a Gentleman and an Officer.' A third boat put out from Folkestone and attacked the men from the Tartar, enabling Byron to sail into shore. He afterwards sent some goods to be entered at the Custom house, claiming the Tartar's men were drunk and had snapped their firearms at him.¹⁵⁴

The difficulties arising from impressment indicated that there were conflicting interests at work in the ports. Sir John Norris and Edward Vernon advocated the use of the press gangs as a means of suppressing smuggling in Kent, but consideration had to be given to the local situation. Experienced seamen could call on the support of friends with political influence, and magistrates were aware that impressment was an issue which excited strong feeling in maritime communities.¹⁵⁵ If Admirals Norris and Vernon were accurate in their assessments of the number of seamen available in the Kent ports, then bringing in the smugglers would also have meant disrupting much of the legitimate business on the coast. Officials and politicians, including those in the employ of the Board of Customs, would consider their positions carefully before risking local hostility and the disapproval of their peers. The assistance of the navy in tackling the large, heavily armed smuggling cutters was appreciated by the revenue officers, but the more permanent naval presence established after the Seven Years War and the American War of Independence, was another matter. It could all too easily upset existing arrangements for the most effective, if not the most precise application of the laws. These were not implemented in strict accord with the intentions of the legislature or the instructions of the Commissioners, but the semblance of order and authority was upheld. When officers of the Royal Navy tried to apply the laws in a more hierarchical way, there were no discernible advantages for government, and a popular reaction against authoritarian policing by outsiders.

Notes to Chapter Two.

1. First Report from the Committee appointed to Enquire into the Illicit Practices used in Defrauding the Revenue, (1783) Hereafter, First Report, 1783.
2. Elizabeth Hoon, The Organization of the English Customs System, 1696-1786, (Newton Abbot 1968), pp.195-242.
3. Ibid, pp. 195-201.
4. John Brewer, The Sinews of Power, War, money and the English state, 1688-1783, (1989)p.71
5. Brewer, 'Sinews of Power', p101.
C.Brooks, 'Interest, Patronage and Professionalism: John, 1st Baron Ashburnham, Hastings and the Revenue Services, Southern History Vol, 9, (1987) pp.51-70.
6. A.L.Cross, XVIII Century Documents Relating to the Royal Forests, Sheriffs and Smuggling, (N.Y, 1928)
7. British Library, Duke of Newcastle's Papers, Additonal Manuscripts, Add MS 32712 f.187, July 31, 1747.
8. CH 2582, July 11, 1736, CH 2086, Nov. 29, 1733 CH 2095, Dec 5, 1733/4 Add MS 32691 ff.343-4, Sept. 8, 1738.
9. Sussex Archaeological Society, Fuller Manuscript, RF17/XIV/84 Reproduced in C.E.Brent, ed. Smuggling Through Sussex, East Sussex County Council, (1977).
As an example of Jack Fuller's willingness to embarrass Newcastle on the general question of enforcing the law against smugglers, see Add MS 32712 f. 408, August 20, 1747.
10. David Crossley and Richard Saville, eds. The Fuller Letters, 1728-1755: Guns, Slaves and Finance. Sussex Record Society(1991), Introduction, pp. ix-xiv.
11. Custom House Library, E.L.Sayers transcript of the Collier papers, Sayers TS, March 26, 1744.
12. Kent Record Office, Sackville Knole MS, U 269 'c 148/9/28, U 269 c 148/34,
U 269 c 148/35/1,2.
13. U 269 c 148/2,3.
14. CH 2966, Sept. 18, 1740.
15. CH 2974, Oct. 2, 1740.
16. CH 2980, Oct. 16, 1740.
17. CH 2574, June 5, 1736.
18. Add MS 32686, ff.209-210, December 8, 1721.
Add MS 32947, ff. 323, 325, 343, 346, March 26-29, 1763.
19. Add MS 32686, ff. 157-9, Nov. 2, 1719, Add MS 32719 f. 201, September, 1749. Add MS 32697, f 264, Add MS 32703 f.73. See also Add MS 32694 ff. 431, 548, for petitions on behalf of aspirants to positions in the revenue services where need rather than ability was advanced as grounds for appointment.
20. Hoon, 'Organization of the English Customs Service', p.211
21. Brewer, 'Sinews of Power', p. 112.

22. P.R.O Chatham Papers, PRO 30/8/284, the memorial of W.Roberts, January 5, 1790.
23. Cross, 'XVIII Century Documents', pp. 250-6.
24. Peter King, 'Decison Makers and Decision Making in the English Criminal Law, 1750-1800, The Historical Journal, 27,1, (1984) pp. 33-4.
25. Douglas Hay, 'Property, Authority and the Criminal Law', in D.Hay and others, Albion's Fatal Tree, (1977) pp. 17-63.
26. CUST 97/25, May 28, 1783.
27. For the difficulties in prosecuting smugglers in the Exchequer and getting ships as well as cargoes condemned, see: CH 23/1 the case of Philip Younge, SP 35/61/4, when the Commissioners stopped proceedings against the Indenture, SP 36/24/73, case against the Old Subtile, SP 36/25/152-8. seizure of the Polly, SP 36/29/209, case of the Dolphin, SP 36/118/92, SP 36/118/1214, reference to the several seizures of the Dragon, a 50 ton French trader too large to be confiscated under the existing legislation, SP 36/119/153 the case of the Helen and Margaret, SP 36/135/170, case of L'Esperance.
28. PRO 30/8/177, ff. 175-7.
29. Cross, 'XVIII Century Documents', pp.246-248.
30. HO 42/8, March 21,22, 1786.
- 31..CH 41/35
32. First Report, 1783, p.7.
33. PRO 30/8/129 ff. 115-7, August 3, 1788.
34. CUST 99/9, May 1775. Collector to Board, Harwich.
35. CUST 99/9 Dec. 15, 1775.
36. Hervey Benham, The Smugglers Century (Chelmsford, 1986) pp.61,54.
37. CUST 97/9, Jan 28, 1735/6.
P.R.O Records of the Court of King's Bench affidavits in Customs and Excise cases, KB 32/1 Sept. 13, 1773.
38. CUST 99/10, Dec. 2, 1777.
39. Paul Rock, 'Law, Order and Power in Late Seventeenth and Early Eighteenth-Century History', in, Stanley Cohen and Andrew Scull, eds. Social Control and the State, (1983) pp.202-3.
40. Calendar of Treasury Books, May 24, 1715, June 21, 1716.
41. CH 41/14 and CH 41/15 for a list of smugglers imprisoned for debts to the Crown.
42. CUST 97/14, Nov. 18, 1746.
Norwich Mercury, March 31, April 7, 1750.
43. CUST 97/19, Oct. 23, 29, 31, 1767 CUST 97/19/April 12, August 3, 11, 1768. Cust 97/22, Nov.26, Dec 7, 1776.
44. CUST 97/20, Nov. 1, 1771, CUST 97/21, June 12, 24, 29, 1772
CUST 97/22, Sept. 25, 1775.

45. Tl/563/52-55, March 18, 1777.
46. Tl/563/52-55,
Cross, 'XVIII Century Documents' p.264,
D.Arnold-Forster, At War with the Smugglers, (1936) pp.91-4.
47. CUST 89/4, Jan. 5,6,7, 1774. Collector to Board, Redcar.
48. CUST 89/4, May 30, 1774.
49. Graham Smith, Kings Cutters and Smugglers, (1983) pp.64-66.
50. Hoon, 'Organization of the English Customs Service', p.14.
51. Hoon, 'Organization of the English Customs Service', pp. 19,
148, 211-216.
CUST 51/25, Nov. 30, 1744, Collector to Board, Sandwich.
52. CTB, Feb. 25, March 3, 1697/8, Oct. 20, 1702.
CTP, Feb. 20, 1694, June 8, 1698, Oct. 7, 1691, May 9, 1690.
Paul Monod, 'Dangerous Merchandise, Smuggling, Jacobitism and
Commercial Culture in Southeast England, 1690-1760, Journal of
British Studies, No. 30 (April 1991) pp.150-182.
53. Tl/60, March 9, 1698/9
54. CTP, June 19, 1700.
55. CTB, April 26, June 12, 22, July 23, 1700, Sept. 17, 1712.
56. CTB, April 3, 1710.
57. CH 41/2/1,2.
58. 1733 Report, pp.91-97.
59. Peter Linebaugh, The London Hanged, (1991) p.173.
60. First Report, 1783, p.10
61. Cross, 'XVIII Century Documents', p246.
62. CUST 99/4, Jan. 10, 1746/7.
63. Cross, 'Eighteenth Century Documents', pp. 250, 264-7..
PRO 30/8/138 April 4, 1794.
64. CUST 68/11, June 26, July 16, 1778.
65. CUST 68/11, Jan. 10, 1782.
66. CUST 68/12, Nov. 3, 1782.
67. Brewer, 'Snews of Power', p.74.
68. Hoon, 'Organization of the English Customs', pp.215-218.
69. Linebaugh, 'The London Hanged', pp. 175-6.
70. CUST 99/4, Jan. 30, 1745/6
71. Tl/536, Dec. 2, 1737.
72. CUST 99/3, Feb. 19, 1739/40.
73. Tl/304, Sept. 22, 1740.
CUST 99/1 March 23, April 1, 3, May 27, June 1, 7, 15, 19, 22,
July 1, 1725.
74. CUST 54/147, Nov. 22, 1744, March 24, 1746/7, Board to
Collector, Dover.
Sayers TS. Feb. 5, 1736/7.
75. K.R.O, Memorandums of James Bayton, Sept. 22, 1754. This
was with the records held in Dover town hall, subsequently moved
to Maidstone.

76. CH 1999, June 13, 15, 1733.
77. CH 41/17.
78. SP 36/32/82, June, 1734, Hall to Waldegrave. Nearly forty years later Minet and Fector, owners of a fleet of bye boats competing with the packets, appealed to the Treasury when their ship the Minerva was seized following the detection of smuggling by crewmen and passengers. 'We have my Lords so great a Detestation of doing any Thing ourselves or suffering any Thing to be done by our People by which H.M's Revenue may be defrauded that we have in order to prevent such Practices encreased their wages very considerably since the last Peace and we constantly enjoin them in the strongest Manner not to deviate in the least from our positive Orders in this Respect. T1/484/106.109, June 20, 27, 1771.
79. Huntington Library, Grenville Papers, HEHL STG Box 20(8).
80. CUST 97/19, Dec. 8, 1768.
81. CUST 97/19, March 16, 19, 21, 1765.
82. PRO 30/8/175 ff.213-216. CUST 54/4, Feb. 4, March 17, 1789.
83. CUST 54/3 No. 378, Colector to Board, Dover. In 1748 William Wyman, an informant and Crown evidence against the Wealden smugglers complained that John Polhill, the Lydd Riding Officer, 'went into company with Brooks and other proclaimed smugglers and told him Wyman had been a Crown witness' Sayers TS, Feb. 8. 1747/8. Yet Polhill had himself had his home ransacked by smugglers. Kentish Post, April 19-23, 1745.
84. CUST 68/16, Jan. 17, 1794.
85. CUST 68/11, June 30, 1781, CUST 68/13, Sept. 14, 1787.
86. CUST 68/15, June 9, 1790.
87. CUST 97/24 Aug. 16, 1781.
88. CUST 97/26, Aug. 8, 1786.
89. CUST 97/26. Aug. 8, 1786, Jan. 14, March 2, April 28, 1787.
90. For the origin of the link between Collier and Newcastle, see Add MS 32686, ff. 209-210. In 1748 he said he was 'Very Indifferent about my Place in the Customs'. Add MS 32714, f. 474.
91. East Sussex Record Office, Collier Papers, SAYERS 275. Sayers TS, June 11, July 8, September 12, 1735. Winslow, 'Sussex Smugglers', p.143.
92. Sayers TS, ppl4-20.
93. Customs House Library, Colliers Report on a General Survey, 1741.
94. Winslow, 'Sussex Smuggler' p.133. Winslow uses T1/316/107-9. These two letters are dated March 14, 15, and the report in the Ipswich Journal indicates the year was 1745, not 1744 as stated by Winslow.
95. Ipswich Journal, March 23, 1745.
96. Sayers TS, April 5, 1747. CUST 51/25, March 30, 31, April 1, 2, 4, 1747, Collector to Board, Sandwich.

97. Collier's Report on a General Survey, 1736.
98. CUST 51/25, Feb. 7, 1744/5, Dec. 15, 1745.
Collier's Report on a General Survey, 1736, 1741,
ADM 1/3866, Sept. 9, 1758.
99. Sayers TS, pp.70-76.
100. C.H.L Collier TS. Dec 11. 1736.
CUST 41/42, Attorney General v Thomas Moore, The King v John
Grayling, et al. These were the Hastings Transports, a term used
at the when these six Hastings smugglers were sentenced to seven
years transportation in 1737, only to establish themselves at
Boulogne.
101. SP 36/30/402, 403. Tomkin's petitions.
102. Paul Muskett, 'Gabriel Tomkin: Smuggler, Customs Officer,
Sheriff's Bailiff and Highwayman, Sussex History Vol 2, Nos. 2
and 3, (1981, 1982) pp. 8.17, 19-27.
SP 36/32/169. Aug. 5, 1734.
103. Muskett, 'Gabriel Tomkin', II, p21.
The full text of this letter is to be found in F.F.Nicholls, Honest
Thieves, (1973) pp.58-9. The original is in T1/295, March 1737.
104. Muskett, 'Gabriel Tomkin', p.21.
105. Ibid, pp. 8, 22-4.
106. SP 36/62/ 82-3, Robert Hanning's petition.
Bury Post, May 28, 1733.
107. CUST 60/4, Dec. 28, 1772.
108. T1/495/210, Jan. 1773.
109. Ibid. Roalfe owed the Crown three times the value of 472
gallons of contraband spirit. He had broken bail and a distraint
order could not produce goods worth more than £30, the composition
agreed by the Privy Council. T1/484/116-8.
110. Brewer, 'Sinews of Power', p.112.
111. PRO 30/8/138 ff.86-7.
112. The Times, Jan. 11, 1787.
W.Albery, A Millenium of Horsham Facts, (1947) pp. 491-5.
113. HO 42/6/318, Jan. 17, 1785. HO 42/6/665, Feb.8, 1785.
Remmington had a brother in the ARTILLERY WHO PROMISED TO MAKE
SURE Alexander went to New Brunswick.
114. T1/429, May 16, 1764.
115. 'Sinews of Power', p.112.
116. SP 35/66/71. See also, CH 29/35 for the case in support of
better paid officers.
117. CUST 97/22, May 27, 1777.
For John Nodes career, CUST 99/2, August 21, 1731,
T1/345, Oct. 23, 1751,
Old Bailey Proceedings, Trials of John Baker, John Carbold and
Edward Brooks, April 17-22, Sept 11-18, 1750, pp. 136-7, 264-6.

118. CUST 51/25, June 23, July 26, 1743, Jan. 11, 1743/4, Feb. 7, 1744/5, Dec. 15, 1745.
Collier's Report on a General Survey, 1736, 1739.
119. CUST 99/9, March 26, 30, 31, 1775.
120. CUST 99/9, July 18, 1776.
Benham, 'The Smugglers' Century', p.34
121. Edward Carson, The Ancient and Rightful Customs, (1972) p.63.
122. Collier's Report on a General Survey, 1734, 1736, 1739, 1741.
123. A vacancy occurred as a landwaiter at Weymouth in 1733. A Mr Tucker supported 'one Tizard', a Riding Officer at Portland, described as 'about 70 years old, one who can hardly write his name & is utterly unqualified.' The writer considered this of less importance than the fact that Tucker was getting his way.
CH 2093. Thomas Pearce, who also supported Tizard, noted he was had been mayor of Weymouth, his son was an alderman and 'his numerous Relations have a very good interest in the Burrough & have always been firm friends to me.' CH 2086
124. CUST 99/4, Jan. 10, 20, 1746/7.
125. Benham, 'The Smugglers' Century', p.53. For an example of a cruiser commander reluctant to leave port, see the account of Captain Jewell in H. Atton and H.H. Holland, The King's Customs, Two Volumes, (1908-1910) Vol. 1, pp. 236-8.
126. W.R. Meyer, 'Mascall's Privateers, Archaeologia Cantium, (1979) pp. 213-220. For the incident which led to Pigram's suspension, a charge of having profited from the proceeds of a wreck, see Add MS 32692, ff. 525-528, Add MS, 32693, ff. 5-6.
127. SP 35/58/46 Oct. 1, 1725.
128. SP 37/12/70, Boulogne gaol, April 24, 1777.
See also SP 37/11/365-6, Dec. 18, 1776, SP 37/12/91 and 94, June 13, 15, 177 and T1/530, March 28, 1777 where Arnett argued his men had disobeyed orders in going ashore.
129. SP 37/11/367, Dec. 18, 1776.
130. SP 37/13/3 and 4, Jan. 20, 1779,
Benham, 'The Smugglers' Century', p.69.
For an example of a Royal Navy commander taking his cruiser into Boulogne in pursuit of a smuggling cutter, see KB 32/2, August 19, 1784 and Muskett, 'Deal Smugglers in the Eighteenth Century' Southern History, Vol. 8, (1986), pp. 61-3.
131. Sussex Weekly Advertiser, Feb. 3, 1777.
132. CUST 54/2, Nov. 28, 1784.
133. CUST 97/19, Feb. 16, 1768. SP 37/6, Feb. 14, 15, 1768.
134. Memorandums of James Bayton, Sept. 22, 1754. In 1759 the Customs officers at Dover protested when the Excise re-seized a smuggling cutter, brought in by the Fly privateer, so denying the Customs their share of any rewards. T1/394/156, Jan. 10, 1759
135. CUST 68/12, June 24, 1784, March 24, 1786.

136. Memorandums of James Bayton, Sept. 22, 1754.
137. St James Chronicle, Oct. 16, 1764,
ADM 1/4286, Aug. 23,25, Sept. 7,11,15, 1764,
Tl/402/90.
N.S.Tucker, ed. The Jenkinson Papers, pp.323-5.
138. Daniel A Baugh, British Naval Administration in the Age
of Walpole, (Princeton,1965), p.149.
139. Daniel A Baugh, ed. Naval Administration, 1715-50, Naval
Records Society, (1977) p.110.
140. K.R.O Sackville of Knole MSS. U 269 c 148/2,3.
141. Baugh, 'British Naval Administration', p.173.
142. Tl/ 305/ 138, June 13, 1741,
Baugh, 'British Naval Administration', p.157.
143. N.A.M. Rodger, The Wooden World, An Anatomy of the Georgian
Navy, (1986), pp.170-1.
On occasion the revenue men overcame their resentment towards the
navy and directed the press gangs to likely locations to find
recruits, ADM 1/2652, Aug. 31, Sept.3, 1739 for an incident at
Yarmouth.
144. Rodger, 'The Wooden World' p.171.
145. CUST 97/9, June 7, 1736, CUST 97/10, Sept. 1736, Feb. 9,
1736/7.
146. KB 32/1, May 1, 1777.
147. ADM 1/3866, Oct. 21, Nov.3, 1771.
148. ADM 1/3866, Oct. 15, 1771.
149. ADM 1/3866, Oct. 15, 1771, Tl/490/205-7, July 16, 1772.
150. CUST 54/1, April 20, 1785.
151. CUST 60/1, April 19, 1760, Collector to Board, Poole.
152. Arnold-Forster, 'At War with the Smugglers', pp.198-204.
153. J.K. Laughton, ed. Letters and Papers of Charles, Lord Barham
(N.R.S Vols,. 32, 38, 39, 1907-11) Vol.38, p.307.
154. CUST 54/3, Aug. 20, 1788.
155. Baugh 'British Naval Administration', p.160.

Chapter Three

Violence and the Smuggling Trade

1

The Scope of Enquiry

Frank McLynn's assertion about the Sussex smugglers in the 1740s is open to challenge on grounds of historical accuracy and methodology. He maintains that:

Much of the exaggeration of the social role of smuggling comes from extrapolating from the special case of the Sussex smugglers. In their purposive violence, social composition, and their rhetoric the Sussex smugglers were as atypical of eighteenth-century smuggling as a whole as the Duke of Richmond's sanguinary crusade was atypical of elite response.¹

As a major commercial enterprise with international ramifications, smuggling was not confined to the rural artisans and farm workers identified by Cal Winslow, but McLynn provides no evidence respecting the gangs in other counties or at other times, while the juxtaposition of 'atypical,' and 'purposive violence,' presents problems of interpretation. Were other smugglers of a more pacific nature, or was their violence less rational? The Wealden smugglers merit attention for reasons besides their predisposition to violence; their activities were extensive, linked with gangs elsewhere, and showed signs of developing specialist expertise. However, the word 'purposive' implies they used force and intimidation in a calculated way in furtherance of their commercial activities, and if that

was the case, then other smugglers might be expected to act in the same way when faced with similar situations.

The intention here is to establish a basis for valid comparisons by placing the Sussex smugglers of the 1740s in context. This means investigating the state of affairs in earlier years and in the second half of the century, and looking at other areas, to examine the ways in which violent smuggling might be described as the conduct of commerce by other means. Violence may be explained by innate aggression, or social conditioning, and it may be a desperate attempt to escape a threatening situation. Psychological and social theory can be deployed to achieve an understanding of the smugglers' actions, as can awareness of the effects of neat spirits, but if their violence was purposive, then it must be related to the nature of the contraband trade, and to the extent their actions were a rational strategy, the Sussex men were not atypical.

Another advantage in extending the chronological reach is that it opens up discussion on J.H.Beattie's claim that the later eighteenth century brought 'some shifting of the line dividing acceptable from unacceptable conduct, and a strengthening of feelings of shame, guilt and repugnance about acts that had once raised no eyebrows.'² When an exciseman was killed in Dorset in 1723, 'the smugglers swore they did no more matter to kill him than they would a Tode.'³ Sixty years later, when the murdered body of Alex Dawn, purser on board HMS Wasp, was pulled out of Dover harbour, the local smugglers treated the event, 'with so much levity as to observe "there is no harm in killing a Wasp."⁴ The absence of sensibility among the

smugglers cannot be taken as evidence of a more general moral inertia, but communal attitudes towards the contraband trade merit attention. In the introduction to Albion's Fatal Tree it is stated that 'definitions about what was, and was not, crime...were not...based on inhibitions upon violence.'⁵ Singling out the Sussex smugglers of the 1740s as exceptional may obscure the likelihood that the club, the carbine and the loaded whip were as much a part of the smuggling scene as sunken casks, muffled oars, and trains of laden packhorses.

Study of the extent of violence associated with the smuggling trade also raises wider issues concerning the nature of eighteenth-century society. Laurence Stone's belief that the homicide figures derived from the assize records are an accurate guide to overall levels of violence cannot be left unchallenged.⁶ The assumption that nearly all deaths will feature in the court records is unwarranted, and the fact that more encounters between smugglers and preventive forces did not result in fatalities, was due more to the inaccuracy of their firearms and the thickness of their skulls than any finer feelings on either side. Contemplating the nature of crime, E.P. Thompson argues that:

Because we can show that offenders were subject to economic and social oppression, and were defending certain rights, this does not make them instantly into good and worthy 'social criminals,' hermetically sealed off from other kinds of crime. Offences which may command our sympathy - poaching or smuggling - were not conducted in especially gentlemanly ways.⁷

Riding officers and the military detachments on revenue duty were armed with swords, pistols and muskets. The fines imposed for handling contraband could have meant indefinite incarceration in a debtors' prison. Membership of an armed gang, assembled to run uncustomed goods, brought some smugglers to the gallows and sent others into exile, while capture at sea was often followed by impressment. Given a sense of self-preservation and a keen awareness of the rights of property, when their own investments were at stake, 'purposive violence' was practically an occupational requirement for smugglers. Every time they used force to resist arrest, prevent a seizure, or effect a rescue, it was 'purposive.' The Sussex smugglers analysed by Winslow and described by McLynn, were atypical to the extent that they strayed outside the guidelines for the socially acceptable use of murderous violence.

II

Antecedents in Kent and Sussex

According to Charles Fleet, as the trade in illicit tea developed, so a lower class of smuggler came to predominate and in the activities of these smugglers a 'brutality showed itself.' Cal Winslow recognises that this simplifies the issue of the gangs' social composition, but still presents the conflicts of the 1740s as an aspect of class war, and describes the violence of that decade as 'Possibly the most extraordinary chapter in the entire history of smuggling.'⁸

Studying the contraband business in that period is a rewarding exercise. Individual smugglers can be identified and the gangs located within their communities, but the Hawkhurst gang need to be set in historical context, and compared with other organized professional free traders. The owlers of Romney Marsh, particularly active in the the last quarter of the seventeenth century, were described as 'a militia, that in defiance of all authority, convey their wool to the shallops with such strength that the officers dare not oppose them.'⁹ William Carter, attempting to initiate legal action against known owlers in the 1680s, had to run for his life when the mayor of Romney refused to commit some suspects and he was later chased out of Lydd by fifty horsemen, 'desparate fellows, not caring what they did.'¹⁰ The Canterbury master woolcombers, many of them Walloons implicated in illicit exports, were accused of employing John Plummer and Thomas Abbot, 'to save them harmless for carrying their wool to the seaside, and have hired John Chandler and others to kill all such persons as should attack their wool or stop the same.'¹¹ In 1692 it was made an offence to transport wool escorted by more than three men, a measure designed 'to prevent the great mischief arising from the numbers of men travelling armed to convey the waggons, horses and other carriages loaden with wool.'¹²

The War of the Spanish Succession disrupted both legal and illegal trade between England and France, but there was a revival as soon as hostilities ended. Deal, within easy reach of the French and Flemish ports, was supposed to have had 200-300 men whose main employment was the

smuggling trade.¹³ Armed gangs were soon in evidence again and the only effect of successive anti-smuggling Acts was that 'the hirelings carried on the trade whilst the heads of them acted behind the Curtain, unknown to any but one in a Gang, who was a sort of master & paid the rest.' The gangs grew in numbers as more 'Voluntiers' were taken on and individual offenders against the revenue laws were offered the protection of membership:

by the above means did they still keep up their separate Gangs, some of which were then very large, for still as the law pressed them more, the more they strengthened themselves against the Law and which the Civill power was found not strong enough & forces were sent to assist the Officers of the Customs, they then united gangs to repell force by force, & some Gangs be now as Numerous as Cartouches band of thieves in france, do as much mischief to their Country & more will do if not speedily suppressed.¹⁴

The gangs working the Kent and Sussex coasts showed many of the attributes McLynn regards as distinctive of Sussex 25 years later. In January 1717 sixteen smugglers met up at Langney Bridge near Eastbourne. Two men went down to the coast to see if a shipment of brandy had arrived and the rest waited their return. They were interrupted by Gerard Reeves, a Customs officer, and Nicholas Earle, his servant. When Reeves came up to them, Thomas Dunmall struck out at him with a sword, then the others forced Earle away

as his master bled to death, the rest of the smugglers telling Dunmall to wait and see if the injuries were fatal before fleeing the country. This was the Mayfield gang, 'that defied the laws relating to running of Goods and the Customs Officers.' John Borer, indicted for his part in the murder, had been smuggling for at least two years, and this was Tomkin's first appearance in the official records of the trade.

In 1719, 200 horsemen, armed with 'Gunns, Pistolls, Blunderbusses, Swords or Clubbs,' ran a consignment of brandy from Goring to Billingshurst. The revenue men attempted to make seizures, but were threatened with murder if they came any nearer or persisted in following the smugglers. Thomas Chandler told the officers that the gang were 'the Farnham Blacks,' and Paul Monod argues a connection between south-coast smuggling, Jacobitism and the poaching gangs operating in Waltham Forest and Richmond Park.¹⁵

The Mayfield gang remained active into the 1720s, seeming intent on confrontation with the authorities. Jacob Walter and Thomas Bigg came ashore from a French sloop near Dungeness light, collected a pair of horses and a brace of pistols from the Three Mariners, then rode to the house of Philip Levermore, a Riding Officer, and challenged him to come out. Once they had ridden off, Levermore called out his colleagues and went in pursuit. Both smugglers were taken after an exchange of fire, in which Walter's and Bigg's pistols flashed in the pan at point-blank range. The prisoners were brought back to

Lydd and held at the George, but a party of smugglers forced their way in, wounded three of the officers, and freed their associates. Nathaniel Pigram, commander of the Rye customs sloop, wrote to John Collier stressing the urgency of the situation in Sussex:

I Beg you would apply to the Government to send a Company of Dragoons to take up these Vilains or in a Short time they will rise in a Rebellion, the Number of them is not less than 200 & every man of them for the Pretender. Officers that are wounded is Warwick, Foreman & Martin. Warwick I believe will dye - two Smuglers wounded but carried off, one we hear is dead, 3 large Callis Sloops loaded with Brandy etc lyes now off this Harbour abt. 30 men each Sloop watching for my comeing out. If I have not more men or a Man of War ordered to cruse with me I am useless & the Rideing Officers dare not appear on the Coast.¹⁶

Pigram's reference to the French ships is germane to any assessment of violence and smuggling in the years following the Treaty of Utrecht. Wine and spirit merchants in Calais and Boulogne saw that there were profits to be made fitting out vessels for the English trade, as well as in selling to the English masters and crews coming across the Channel. They set about strengthening existing contacts in southern England and established new ones along the east coast, dealing with colliers, fishermen and coasters, and building up a network of customers and helpers on land. As early

as 1716 the Yarmouth tradesmen, dealing legitimately in 'grocery, tobacco, brandy and strong waters and spice' were complaining they could hardly make a living, such was the competition from 'small vessels, French & others, bringing goods from France and Holland, running them along the coast, selling to colliers, which then sell goods ashore.'¹⁷

These 'small vessels' were very quickly replaced by shallops of up to 60 tons armed with carriage guns and swivels, sailing in flotillas, and carrying crews of 30 and more men. In a clash with Pigram's men from the Amelia 'Nicholas Bully of Callis threw two of them over Board and afterwards fired at them in the Water.' Other smuggling ships from Calais and Boulogne had opened fire on the revenue cruiser, successfully resisting attempts to interrupt their trade.¹⁸ Having attacked the Amelia off Shoreham on September 18, 1719, Peter Collis, from Boulogne, tried to run his cargo a few miles to the westward five days later. The Riding Officers dispersed the English smugglers gathered on the shore at Felpham, and the French rowed back to their dogger, but the officers had to break up the gang again at Climping, and in the early hours of September 24th:

the French Boat came to the Shoar & Ten Men Landed out of her and came up the Beach & seeing the Officers on Horseback they ran back to their Boat & taking each of them a Gun or Pistol came running at these Deponents & the other Officers & persons...& presenting their Fire Arms told these Deponents...they would Fire on them & cried out to each several times, 'Fire, Fire,' and made several presentments at them.'¹⁹

The revenue men were well armed, the English smugglers offered no assistance, and the French retreated.

The Mayfield gang was broken up in 1721-22 and there was less violence reported in Kent and Sussex in the mid-1720s. Then came an upsurge in incidents involving firearms, and again the smugglers were operating in force. In October 1729 'vast quantities of Brandy and other goods' were brought ashore and loaded up by a gang estimated to be 100 strong. The Riding Officers called for military assistance and the smugglers were intercepted near Battle. 'The smugglers received their fire first, then the King's party fired and killed three horses and shot one of their men through the leg.'²⁰ A Customs officer was shot dead in an affray at St Margaret's Bay, five miles north of Dover. Informed that a sloop was going to run a cargo from Ostend to the Kent coast, the Deal Surveyor took a party of twelve armed officers to St Margaret's, where they encountered a party of smugglers in the night:

Between Twenty and Thirty persons with Horses armed guarding and loading a large Quantity of Goods which the Officers attempting to seize, the said Smugglers drew their Pistolls and killed Richard Hill one of the Customhouse Officers and held two Pistolls at the Surveyors breast and very much beat and bruised three other of the Officers and had they not made off as fast as possible would in all likelihood have Murthered them all.²¹

The preliminary to the 1733 Report described the smugglers conducting their business 'by force and violence, not only in remote parts of the Kingdom, but even in the City of London itself, going in gangs armed with swords, pistols

and other weapons, even to the number of 40 or 50.' The Groombridge gang conducted a series of runs in 1735 and 1736, concentrating on the stretch of coast between Eastbourne and Rye. Members of the former Mayfield gang and the Hawkhurst gang were named among those taking part, and the same strategies were adopted. Armed parties relied on force and speed of movement to frustrate the preventive forces, and the smugglers took care to impress the local communities, parading through towns and villages in daylight, displaying their weapons and declaring their business.²² The smugglers were presenting a deliberate challenge to governmental authority; they intended to intimidate the revenue men and deter possible informants. Widening the study of the violence associated with smuggling, to include the years before the 1740s, provides evidence that the Hawkhurst gang were not atypical. The long careers of some of the smugglers, and the continuity in gang membership, are a complicating factor; McLynn's claim might still be valid, if it is taken to apply to Sussex smugglers, rather than their operations in a single decade. The 'purposiveness' of the Wealden gangs deserves consideration. 'Wealden' is preferred to 'Sussex,' for while Winslow's title is more alliterative, the mapmakers situate Hawkhurst in the county of Kent. There were several gangs, referred to by place of origin and supposed leadership in contemporary reports, and there were differences as well as common characteristics. 'Sussex' and 'Hawkhurst' will be used as terms of convenience when detailed identification would slow development of the argument.

III

Sussex Smugglers at Work in the 1740s

The protracted torture, mutilation, and eventual killings of Willam Galley and Daniel Chater, were an instance of irrational rather than purposive violence. The murders were followed by a mid-century purge against smuggling in which the authorities were aided by a reversal in public sentiment. The victims might be described as legitimate targets, using John Rule's criteria for social crime. One was a revenue man and the other a potential informant, neither a natural object for sympathy in the communities served by and serving the smugglers. Alternatively, Galley and Chater were killed by a drunken gang, panicked by the prospect of identification and arrest. Chater had not actually witnessed the break-in at Poole and Galley was an elderly Southampton tidewaiter, sent along to accompany Chater to Chichester, where he was to be questioned by Major Battine. Once having secured them, the smugglers seem to have been at a loss what to do with their prisoners, and unable to see another way out, ended up committing murder.²³ Richard Hawkin's death, over the suspected theft of a bag of tea, was the result of a vicious beating, intended as a punishment, rather than a deliberate killing.²⁴

In 1744 a small party of revenue men was attacked at Shoreham in Kent, where they had detained a pair of wanted smugglers. One officer escaped but the other three were tied to their horses, 'and to strike terror to other people, to show how dangerous it was to oppose them, they whip't

them towards Tunbridge.' The smugglers rode to Hawkhurst where the officers were stripped, beaten and held in irons. They were then taken down to the coast at Lydd, to be placed on board a smuggling cutter and left in France, but the crew wanted no part in it, and fighting broke out between them and the riders.²⁵ While these events would have instilled fear, it is difficult to accept them as planned or rational. Central government was quite capable of discomforting the smugglers by increasing the military presence, as they did in response to the Shoreham kidnappings.²⁶

Direct action was not always the most intelligent course. The attack on Goudhurst in April 1747 has been portrayed as an example of a Wealden community standing up to the depredations of the Hawkhurst gang, while McLynn discerns a falling out between smugglers.²⁷ The smugglers who attacked Goudhurst were unusually incompetent, giving warning of their coming and then riding across across open ground against well-armed opponents shooting from cover. Two of the gang were killed, and a number wounded, bringing an abrupt end to the conflict. The thinking behind the attack is far from clear; if the purpose was to eliminate local rivals, or a source of opposition, then why give notice? If smuggling was a social crime, legitimised by the approval of the local community, then how is the Goudhurst militia, the body which defended the village, to be explained? Cal Winslow maintains they were set up by the local gentry, but provides no supporting evidence,

and the source he quotes as an eye-witness account is a manuscript copy from an unidentified publication.²⁸ A brief reference to the militia in the Treasury correspondence in December 1747 puts the affair in a different perspective. A petition had been presented for the payment of the £500 reward advertised for information leading to the arrest of Thomas Fuller, a proclaimed smuggler:

We further report that the Petitioners with others to the number of 25 or 30 persons have armed and associated themselves for the apprehending those persons who have been Advertized and have not surrendered themselves, and are now generally known in the County of Kent by the name of the Goudhurst Militia.²⁹

If bounty hunting was the original reason the group was formed, then the smugglers' reaction was understandable, though their tactics were not.

A better documented instance of smugglers falling out among themselves occurred in 1747. The gangs had been active in East Kent, running cargoes at Sandgate, Folkestone Warren, St Margaret's Bay, and Deal. Parties of up to 150 men were reported in Thanet and it was reckoned there was at least one run made every week at some point between Herne Bay and the North Foreland. The London Evening Post claimed that 'the Kentish smugglers now begin to vye in Villany with those of Sussex, and draw together in Bodies on the Isle of Thanet sometimes to the amount of 300 men.' The Riding Officers were unable to identify any of the culprits, for 'they dare not venture near them without the utmost hazard of their lives.'³⁰

200 smugglers were sighted near Margate on March 30, and kept under observation by a party of eighteen revenue officers. The Old Molly came inshore and her cargo was unshipped to be loaded on the waiting pack-horses. Gervase Cowper, the Margate Tide Surveyor, waited for some of the smugglers to move away, then moved against the remainder, backed up by some 'country people' better armed than his own men.³¹ As the preventive force came down to the beach, the smugglers 'drew up 12 in a rank and discharged 60 or 70 pieces,' but they were out in the open and themselves under fire. Making the best of it, the smugglers mounted up and rode off, two and three to a horse. Cowper seized 3672 lbs of tea, but it was thought another eight tons had been taken off earlier. The run was a joint venture, with men from Folkestone, Hawkhurst, and a number of East Kent villages involved. 'But the Folkestoners, by being more industrious or having better Intelligence, saved their Part of the...Goods. The Hawkhurst men thereupon insisted that they should bear Part of their Loss, which was refused.'³² Another cutter was expected on April 2nd and the smugglers assembled at Wingham and Chislet, ready for the run and planning a raid on the Margate warehouse, where the tea from the Old Molly was lodged. The cutter was taken and escorted into Dover and Customs officers were sent to guard the warehouse; a request for military assistance was sent to the commandant at Canterbury, and Commodore Mitchell was asked to put a naval party ashore.³³

John Cook, one of the smugglers concerned, described how Jeremiah Curteis and Gabriel Tomkin had sent for reinforcements from Hawkhurst after the first failure. They were intent on a confrontation with the Folkestone men and ended up fighting a pitched battle through Wingham's main street:

At last Sussex and Hawkhurst were masters of the field and carried off 40 horses belonging to Folkestone. The dogs were so atrociously inclined that some inhabitants belonging to Wingham went to the outposts thereof to prevent travellers going through. Any horseman they see was conducted by some sword in hand to the main army where the prisoner left his horse.³⁴

Successful smuggling relied on co-operation as well as coercion, and the rationale behind the Hawkhurst gang's actions is far from clear. The show of force at Wingham brought no financial gain, antagonised the Folkestone smugglers, and might well have alienated the local population. The effectiveness of fear as an instrument of control should not be underestimated, but that line of explanation raises questions as to how far smuggling was legitimised by popular assent, as John Rule recognises but does not pursue.

Smugglers, themselves rural craftsmen, smallholders, tradesmen and labourers, could not depend on class solidarity to facilitate operations in coastal towns and villages. The Kentish men identified at Chislet and Reculver were not themselves from Thanet, and the Hawkhurst gang were clearly operating outside of their usual territory. When the smugglers offered well-paid work, they were welcome, and ties of family and neighbourhood strengthened their

position in their own localities. These runs in Thanet add force to Winslow's call for more detailed studies. 'As yet, very little is known about the population of the towns and villages of the Weald and the coast, where smuggling apparently, was the main activity.' His suggestion that regional solidarity may have broken down in 1747 and 1748 assumes it existed before that.³⁵

The practice of assigning smuggling gangs to particular locations, common in newspapers and in correspondence with the Commissioners and Treasury, sacrificed accuracy for brevity. Reporting on the smugglers crossing Romney Marsh and Denge Marsh in the 1740s, the Lydd Riding Officers clearly distinguished between gangs led by James 'Greep' Standford, Thomas Powell, the Gray brothers, Jeremiah Curteis, and 'one Barrow.'³⁶ These 'master smugglers' were all capable of using violence, but the more brutal episodes which provoked the authorities into taking action, involved the same few men. Curteis was concerned in the Shoreham kidnappings, the fight at Wingham, and the murder of Richard Hawkins. Thomas Kingsmill was at Goudhurst and Poole warehouse, and John 'Smoaker' Mills was involved in the murders of Galley and Chater and beating Hawkins to death. Arthur and William Gray had established such a reputation that by the later 1740s the London press eagerly printed any reports of their ill-doings, substantiated or not. They were supposed to have carried out murders in Goudhurst and Northiam and turned to highway robbery, Arthur Gray

was said to be 'capable of any villainy' and Cook's confession described Gray and his mistress cavorting with glee when an informant was brought prisoner to his house and they were able to torture him.³⁷

Eighteenth-century newspapers can be an essential source of information, reporting events which went unrecorded in official papers, but their object was to entertain as much as to inform. Some accounts were complete fabrications and exaggerations were common, but another problem when attempting to understand the smuggling gangs, is the probability that they were aware of the press reports and responded to them.³⁸ Portrayed as bandits, a number of smugglers relished the role and tried to act the part. The Two Batchelors was wrecked on Brighton beach in January 1746, but much of its cargo of wine was saved by Thomas Kempe, acting for the lord of the manor and 30 pipes were stored in the King's warehouse. At eleven o'clock at night about 100 smugglers came to the store, carrying half-anchor casks. They broke in, held the watchman prisoner, and proceeded to fill the tubs with wine. Having dealt with a party of local men recruited by Kempe, the smugglers went on working until all their containers were full, then rode off towards Eastbourne and Hastings, promising to return for the rest of the wine.³⁹ Another party rode into Lewes at mid-day, 'pistols drawn and cock'd and their blunderbusses in a posture for an engagement, daring the whole town and bidding defiance to everybody,' and a gang

in Sheerness having stolen some packs of wool from Sir John Hale, 'threatened to strip him of all he had.' They were riding out in the daytime, swearing to destroy 'all who shall attempt to obstruct them, and the numerous robberies, rapes and insults that are committed make the people afraid to go about their business.'⁴⁰

The gangs generally numbered from 30 to 40 riders equipped with firearms, swords, clubs and loaded whips. When they combined their efforts, and took on casual help, there might be hundreds of men assembled on the beach. The Riding Officers were reduced to observing and recording the smugglers' movements; they could link up with colleagues and call on military assistance, but the frequency of the runs and the mobility of the gangs made it difficult to sustain any concerted campaign against them.

John Polhill and Francis Riggs, stationed at Lydd, noted smugglers active in their area on 145 occasions between April 1743 and March 1744. Their colleagues at Dymchurch, New Romney and Scotney Barn made 86 sightings over the same period, though the same parties were likely reported by different officers. Only five instances of assault or obstruction were recorded, testimony to the officers impotence rather than the smugglers' restraint.⁴¹ John Clare, the Hythe Supervisor, visited New Romney in October 1743. Finding the stables at the Rose and Crown filled with smugglers' horses, he sent word for the Riding Officers to come to him and when they arrived, 'We lamented our condition that such quantities of goods must be suffered to be run before our faces, and we not able to prevent or take any of it.' The next day 60 horses were brought

through the town, laden with tea, and the smugglers took over the Dolphin and the Rose and Crown, 'where they breakfasted and fed their mounts.'⁴² The Sussex officers, required to report runs which had resulted in their being assaulted or impeded in some way, listed 49 over two years. They had been shot at, beaten and tied up, forced to go with the smugglers many miles inland, and detained on board the cutters.⁴³

Riding Officers, patrolling in ones and twos, could not check the smugglers by themselves, but they could call on military assistance and prepare ambushes if provided with accurate information respecting intended runs. The smugglers used violence instrumentally, forcing the revenue men away from the coasts and detaining them when goods were landed. Officers considered to be too diligent in their work, or who had reneged on agreements, ran the risk of punitive beatings and having their homes ransacked.

Attacks on informants, resistance to seizures, raids on warehouses to rescue goods, can all be seen as pragmatic, but closer study of the gangs shows them acting irrationally, alienating sympathy and bringing down retribution. Their violence could be purposive, but it was not systematic, and, to the extent it was an integral part of the contraband trade, it should feature in other regions.

Comparisons and Connections: East Anglian Smuggling

In the 1720s and early 1730s French brandy smugglers were active along the east coast from the Tyne to Suffolk and there were frequent confrontations. Edward Davies, the Southwold Collector, met fierce opposition when he tried to search a French vessel selling brandy to the colliers in the bay and local people gathered on the beach. There were forty crewmen aboard the French ship, all armed and threatening 'the death of any officer that attempts to board.' The Yarmouth smack being out of service, the commander hired on some assistants and took a boat alongside another French smuggler, only to be shot at and forced off.⁴⁴ There were similar scenes the following summer, when officers from Southwold and Yarmouth were prevented from boarding the Surprenant and the Union, operating off Sizewell.⁴⁵

The commander of the Harwich Customs smack tried a different approach, accepting an offer of some brandy from a French captain and then telling him it was a lawful seizure. The French trained their guns on him, sent out a boat full of armed men and recovered their casks.⁴⁶ The first fatality was in 1720. Peter Harrold was out in the Customs boat patrolling Lowestoft Roads, where two French sloops were selling brandy to English shipping. The French gave chase and armed seamen followed him on board the Unity where a sample of spirits had been left:

and by force and violence the...Frenchmen drove Peter Harrold...and William Burdge, Commander of the Unity & also five or six Men...down into the hold of the Ship having first wounded two men with Muskets upon the Deck...Robt. Dunn & Edward Niles both belonging to his Majesties Smack.⁴⁷

Dunn died from his wounds, and John Fryer, one of the crew of the Unity, was seriously injured, the Yarmouth Collector trying to secure a place for him at Guy's, recently opened as a hospitable for the incurable.⁴⁸

French smugglers were ready to take on men-of-war; the La Mouche dogger and the snow L'Esperance were working together off Cromer, trading with a collier fleet and running goods ashore. When approached by HMS Spy the snow took the dogger in tow and sailed to the north with Robinson in pursuit. When the Spy was in range the The French masters refused to strike their colours or allow a search:

upon which I fired a broad side and small Arms into them which they returned, and so both continued till I beat them out of the Dogger into the Snow...then they cut their Lashings and put off the Snow in the Smoak, and she being of the other side I could not presently perceive they were doing of anything like getting away, because they kept firing. They immediately made Sail and run away with the Snow, left some on board the Dogger, who all jumped overboard but Two Boys. I could take none of them up.'⁴⁹

The French seemed 'resolved to force this Trade at all hazards' and three years later one seamen on the Spy was killed, and three injured when they took their boat too near to a suspected French smuggler off Yarmouth.⁵⁰

Any collier wanting assistance in crossing Tynemouth Bar had only to purchase a few casks of brandy to be assured of a tow, and the French boasted they would:

sail in such numbers as should enable them to defye all the men-of-war and customs boats on the coast, and that they would protect and assist all English smugglers that had a design to land goods, but will not suffer the English or Dutch to sell brandy to the colliers, being resolved to have that trade to themselves.⁵¹

The East Anglian smugglers formed armed companies working alongside the French, but they were quite capable of managing runs independently. Goods were run on three successive nights at Sizewell in December 1719 and any efforts to interfere were 'violently resisted, though the local smugglers were not yet carrying firearms. Edward Davies was worried by the size of the gangs and the murderous threats directed against the officers.⁵² One gang, based in the towns and villages of the Essex-Suffolk border, paralleled the Sussex smugglers in their methods. Contemporary reports referred to them as the Suffolk or Hadleigh gang, and they were running goods on beaches as far away as the north Norfolk coast where 40 horsemen, 'supposed to be the Suffolk gang,' ran a cargo in August 1732, 'threatening everybody they met and bidding defiance to any authority whatsoever.'⁵³ They were thought to have been responsible for an attack on the crew from the Harwich sloop, trying to make a seizure at Thorpe in 1729. Three suspects were arrested and sent to Chelmsford gaol under military escort in case of a rescue by the 'great gang of armed smugglers' rumoured to be in wait along the road.⁵⁴

Most of the gang's contraband was brought ashore at Benacre and Sizewell, then taken to Bury St Edmunds and on to London. They were said to 'fear no numbers of officers and bid defiance to the dragoons that are quartered on the Suffolk coast.'⁵⁵ One consignment was tracked from Benacre to Thwaite, the officers tracing the hoofmarks in the dark. The Southwold Collector had brought along the boatmen and the Riding Officers from the port, and with an additional two men from Ipswich, had a party of fourteen, three less than the estimated number of smugglers. Directed to the house of William Cooper, they met up with 40 horsemen who attacked the Customs officers as soon as they entered the grounds. The smugglers fired guns and flourished their swords and whips; those officers who did not escape were held prisoner and their horses girths and bridles slashed.⁵⁶

The Suffolk gang ran four cargoes at Cley in June 1733, and other gangs were active on the Norfolk coast. The stretch between Cley and Winterton was 'infested' with smugglers and Samuel Jacombe, the Yarmouth Collector, reckoned 20,000 lbs of tea were brought in at Waybourne, Hemsby, Bacton, Winterton and Wrexham in June 1734. Around Yarmouth itself the Customs officers found themselves facing parties up to 80 strong the different gangs riding through the country in the daytime, 'declaring on what account they are come.'⁵⁷ Nor were the east coast smugglers any less vicious than their southern counterparts. In 1727, Jeremiah Brandreth, a Suffolk Excise officer, was stoned, clubbed, and had his nose cut off by his own sword, when

he tracked a smuggling party from Snape to Blackstock. Crawling behind a hedge, he heard one of his assailants return, cursing that they had not finished Brandreth off when they had the chance.⁵⁸

The structures and strategies of the smuggling gangs in Kent, Sussex and East Anglia had much in common. A core of full-time professional smugglers provided the organization needed to acquire, distribute, store and dispose of contraband, and constituted the armed escorts guarding the goods against seizure. Men like Gabriel Tomkin, Jacob Walter and Francis Norwood were as much a feature of Suffolk as of Sussex smuggling. John Harvey, Henry Clarke, William Neale and the Woolward and Pixley brothers were all prominent in the Suffolk gang, some of them enjoying lengthy smuggling careers.⁵⁹ Harvey and James Ponder were arrested in 1735, picked up in Mile End by John Dawgs, a sheriffs officer. They owed the Crown £37,000 in unpaid duties and fines and Dawgs obtained a warrant to commit them to Newgate. Before they could be transferred from Dawgs's house in Warren Court, 'three bold shabby fellows' came to the door offering to put up bail. More men then arrived, the door was forced and the prisoners rescued, riding off in a group of 20 men, swearing 'to shoot or kill all who opposed them.'⁶⁰ Three months later the same gang was responsible for the killing of Willam Cam, a dragoon shot near Hadleigh when a seizure of tea was recovered from a party of soldiers and revenue-men. The information of William Meadows showed that some of those involved were local farm labourers,

hired for the day, but another witness, James Goss, was able to name thirteen smugglers who actually participated in the rescue, including Harvey, Ponder, Neale and Henry Clarke, said to have been the one who fired the fatal shot. None of them was described as a labourer: there were two yeomen, a miller, a woolcomber, a locksmith and a blacksmith, while the rest were not ascribed any occupation.⁶¹

When the occupational labels in the London Gazette and the assize minute books can be checked against other accounts, reflecting local knowledge, it is clear that many of those described as 'labourers' had been rural craftsmen, small farmers and tradesmen, often butchers or victuallers. Gabriel Tomkin's list of his associates in the early 1720s, offered to the authorities in an attempt to avoid transportation, included no labourers. There were three 'husbandmen' and some men given no occupation, but having servants in their employ.⁶² This does not entirely invalidate Charles Fleet's perception of a link between violence and proletarian participation in the contraband trade, but the practice of using the term 'labourer' to distinguish those who were not 'gentlemen' should be kept in mind.

When it came to safeguarding their interests, the East Anglian smugglers were fully aware of the need to deal with any threats, especially informants. Sam Dyball, having been released from impressment on HMS Orford on Jacombe's request, returned home to Gorleston:

The same evening he went into an alehouse adjoining to where he dwells and three of the salvage men who are reputed to be great assistants to the smugglers and another person...fell on Dyball and beat him in a most barbarous manner, stamping on his head and body and kicking and beating him with all their might, that unless he had been a strong young fellow he would in all likelihood have been killed on the spot, for we have never seen a person more beaten and bruised about the head and body.⁶³

Warrants were issued against fifteen smugglers on the basis of information supplied by Henry Nursey. The wanted men left their homes and Nursey moved into lodgings in Beccles, 'where he thought himself most secure.' Early on a Sunday morning armed men broke in, 'pulled Nursey out of bed, stop't his mouth that he couldn't cry out, whipt him very severely, then put him on a horse with only his shirt on, the night extremely cold, and carried him away with 'em.' He was taken to Benacre and then over to Flushing, where he was held for three months. When he returned to Yarmouth he told Jacombe he was still prepared to give evidence but by that time the smugglers had had time to take advantage of an amnesty, offered to attract smugglers into the Royal Navy.⁶⁴

Bribes, offers of support for the families of associates facing prosecution, intimidation and rescues from custody were all used to prevent smugglers turning informants.

James Holt, parish clerk at Benacre, was arrested outside the church after the Sunday morning service by Joseph Bransden, a Riding Officer. Holt had been identified as one of those taking part in a run at Horsey in March 1746 and his friends were anxious to retrieve him. William Denny Fox went to the Walnut Tree, where Bransden had taken his prisoner, and demanded his release at gun point. Bransden was also armed and Fox backed down, but the officer thought it best to move on to the King's Head in Kessingland. During the evening twenty horsemen surrounded the inn and peppered it with small arms fire for over an hour. Feeling he could not rely on his assistants, Bransden escaped and the smugglers broke in with a crowbar, freed Holt, and shot every horse in the stables to stop any pursuit.⁶⁵

Evidence from the 1720s and 1730s shows smuggling developing along the same lines in East Anglia and the south east, driven by the imperatives of illicit trade, not by regional quirks of character. At the same time, smugglers from different areas interacted, there was a degree of interdependence, and the smugglers were highly mobile. McClynn describes the raid on Poole warehouse in October 1747 as 'the Hawkhurst men's greatest exploit.'⁶⁶ Numerically, members of the Wealden gang made up no more than a quarter of those concerned, but their presence so far west, and their involvement in a warehouse raid, deserves attention.

Six months later there was another such break-in, this time at Colchester. On March 2, 1748, Captain Martin had seized the Goodhope smuggling cutter in the Deben,

and its cargo of contraband tea was delivered to the Customs warehouse. It was a run beset with difficulties from the start. The smugglers assembled on the Suffolk coast had had to disperse in the face of the military patrols, and when some of the goods were landed at Felixstowe a severe blizzard was blowing and one smuggler died of the cold. To further complicate operations, there was a wanted murderer on the beach, hoping the smugglers would help him escape.⁶⁷ The quantity of tea lost was not large, 1110½ lbs of Bohea and 403½ lbs of green tea, but the smugglers were determined to recover it. They gained entry to the warehouse by pretending they were bringing in a seizure, 'and that it must be immediately lodged there or it would be rescued by the smugglers.' John Bloys, landlord of the White Swan, had taken two of the smugglers to the Collector's house and the door was opened by Thomas Coker, the Collector's servant:

Immediately upon the door being opened, the two Men took hold of Blays and Coker by the Collar and presenting Pistols to their breasts swore they'd kill them that Moment if they made any noise or resistance, and made Coker strike a light and get a Candle, after a light was got, near Thirty Smuglers armed with Blunderbusses and Pistols came into the Court Yard of the Collectors house, and seven of them Clap'd Pistols to Thomas Cokers breasts and sides, threatening with dreadfull Imprecations of immediate death if he did not shew them where his Master lay, for that they were come for their own Tea and Brandy they had paid for and would have it.⁶⁸

They forced Coker to lead them to the warehouse and broke in with a crowbar and a blacksmith's hammer. The goods were removed and the riders were last seen riding towards Hadleigh. All but two of the smugglers identified on Felixstowe beach were local men; the exceptions were Robert Trottmann, from Wiltshire, and Jacob Pring. Pring was one of the organisers of the Thanet runs in late March 1747, and some Kent and Sussex smugglers had wanted to invest in the cargo brought over by the Goodhope. According to Pring, their agent and the money were seized on the outward journey, and he 'staid in a friendly way' to assist in the run at Felixstowe. Pring was no altruist and there was another possible explanation for his presence. Jeremiah Curteis was thought to have played a part in the warehouse raid, and there was a close resemblance to the Hawkhurst gang's other warehouse attacks.⁶⁹ Pring's tale of a lost investment was likely a fabrication and Curteis was acting the same role as he had in East Kent, organising the recovery of confiscated goods.

Pring was again active on the Suffolk coast in April 1748, when thirty hundredweight of tea was brought ashore at Hollesly Bay and successfully run inland, the smugglers stopping to rest at John Carbold's house at Finningham.⁷⁰ Carbold had a stake in the next venture, a cargo of three tons of tea intended to be run on the Lincolnshire coast. Carbold, Pring, and thirty others went to Boston to await the cutter, but there was a repetition of the earlier failures in Kent and Suffolk. The cutter was seized and

taken into Yarmouth while a party of dragoons and revenue officers pursued the riders into Lincolnshire, forcing them to disperse. An advance party from the gang brought the authorities down upon them by ransacking a public house at Wrangle when the landlady refused them lodgings. One man was arrested at the inn, and his associates staged a rescue, riding through Boston:

with their Fire Arms presented, and proceeded to Wrangle...and at the House where their Man was, drew themselves up in order agaanst it and forthwith fired in at the Windows and then dismounted, forced into the House, and after releasing their Man, began to destroy everything that they could lay their hands on, by letting the Ale and Beer run into the Cellars, breaking Tables, Chairs, Glasses etc and throwing them into the Road, and at the same time wounded four or five People being those who had their Man in Custody.⁷¹

The set back in Lincolnshire made no difference to the smugglers' method of working. Three weeks later the Boston magistrates reported two gangs in the vicinity, 'bidding defiance to all opposers, they pass'd unmolested, there being no force in this part of the Country to obstruct them.'⁷²

Jacob Pring was taken into custody shortly afterwards, claiming he had not been concerned in any runs since the 1746 Act came into force, 'nor was ever in Company at any time when there was any Robbery or Murder committed.' He also maintained that he was the first person to inform the government in November 1745 that the French fleet had sailed ' with the Pretender on board to invade the Kings Dominions.'⁷³

Activities along the east coast in the 1740s show there was nothing peculiarly distinctive about 'Sussex smugglers' at that time. The Hadleigh gang could be just as violent and contemptuous of authority, and they operated over a wider territory. The Hawkhurst men's involvement in the Poole incident was limited and took them away from their usual landing sites in East Kent and East Sussex.

The links between the smugglers in the different regions indicate that the contraband trade in the first half of the century was not essentially localised and small scale. Such contacts, and the practice of transferring from one area to another, were evident in the 1730s and before. Tomkin's confederate, Jacob Walters, saw the inside of Chelmsford and Norwich gaols in 1733, managing to escape from both. While in Norwich castle he was visited by John Bentley, an Ipswich man under sentence of transportation after failing to surrender to bail and face trial on smuggling charges. He was later to set up in business at Flushing, supplying smugglers from Kent, Sussex and East Anglia. Walter was next seen escaping over the side of a cutter seized at Happisburgh in 1735, and was supposed to have given up smuggling shortly afterwards.⁷⁴ Richard Burleigh was the master of a smuggling cutter running goods off the Sussex coast in 1733. A Newhaven Customs man was drowned during an attempted seizure and Burleigh was accused of supplying his men with weapons and encouraging their resistance.⁷⁵ The following year he was reported

off the Lincolnshire coast, in company with Richard Woodwark, 'another notorious Smugler who Sometime ago broke out of Hull Gaol.'⁷⁶ The commander of the Boston smack said that Burleigh 'swore he would not be taken either by Sea or Land, being resolute to Kill or be Kill'd.'⁷⁷ The revenue cruisers at Scarborough, Boston and Kings Lynn were instructed to look out for him and a request was submitted for naval assistance, but he was still free in 1736 when he went before a Yarmouth magistrate to charge Richard Hobbin, a Riding Officer, with robbing him of forty pounds. Three years after that a prisoner in Lincoln gaol informed against Burleigh for 3500 lbs of contraband tea.⁷⁸

Jacob Peake originated from Rowhedge on the River Colne in Essex; his first recorded smuggling ventures were as master of the Anne and Mary cutter, running goods in the Wash.⁷⁹ By the early 1740s he had switched to the south coast, running contraband aboard the Jolly Boys, an armed cutter with a crew of twenty-two men. The Newhaven cruiser came under fire from a swivel gun and small-arms when trying to intercept the Jolly Boys in May 1741:

which wounded two of them, Samuel Baker and Thomas Dudden in a very terrible manner, Baker receiving three Balls in his Head and two in his right Arm, which fractured his Scull and shatter'd his Arm to pieces. Dudden received three Balls in his Head which fractured his Scull so much that several Pieces had to be taken out.⁸⁰

The smugglers kept up their fire until the sloop was disabled by the damage done to its sails and rigging.

Robert Martin took Peake's vessel off Beachy Head later that year, but in the interim it had fallen into Spanish hands, the new owners intending to use her as a privateer.⁸¹ Peake himself acquired another cutter and continued smuggling. In July 1743 Mr Cadman, the Folkestone Tide Surveyor, took his boat in shore to inspect a boat drawn up on the beach at Hythe. He and the boatmen were straightaway surrounded by 'Peake's gang of pirates,' and detained until the run was over. When released, Cadman still tried to interfere, and was held on Peake's cutter, under threat of being enlisted in the French army. The Lovell Customs cutter approached the smuggler in the early morning but had to bear away, believing Peake would sink them. Peake's crew numbered 40 men, and there were thought to be another 100 smugglers on land.⁸²

Captain Martin met up with Peake in November that year. Having followed a smuggler across the Channel from Dymchurch to Boulogne Roads, he was 'constrained to draw away' when eight more smuggling cutters came out of the port and sailed towards him. Returning to the Kent coast, Martin patrolled off Hythe, anticipating a run.

I see two of them under Dungeness. I stood down to them and when come within half a mile found they were both preparing to engage me. I got ready to receive them and they presently bore down upon me. I perceived them to be two very large vessels and full of men and guns, and Captain Phillips cutter being a little way astern of me, I bore down to her, and ordered Dominy, the mate, to send all the men he could spare aboard of me, which he did, and came himself.⁸³

At this juncture, Martin's men pointed out to him that each of the smugglers was a match for the cruiser and the Customs service made no provision for widows and orphans.

He had to watch as the cutters unloaded their cargoes and 200 men carried the contraband away from the beach. 'These were Peck's and Harvey's Cutters, and there is seven more armed in this manner.'⁸⁴

Peake's vessel, the Dove, was captured by Captain Hardy of the Duke sloop-of-war in March 1744, but only nine crewmen were taken. The seizure was brought into Dover, but did not remain there for long; 200 armed smugglers descended on the town, determined to recover the Dove. They had 'pistols cocked in their hands, each having two carbines and cutlasses, swearing and threatening destruction to the officers of the customs and to blow out their brains and burn their homes.'⁸⁵ On April 1 John Darby and Freebody Dray noted a large party of smugglers riding through Lydd, 'it was Greep's Gang, and they had been at Dover to Resque Pike Cutter as we are inform'd, for Pike work for Greep whose Ril name is James Standford.'⁸⁶ The Dove was seized again later in the year, laden with a cargo of contraband and brandy. The Commissioners intended prosecuting Peake for the assault on Cadman, but he was not on board when his cutter was taken. He simplified the authorities' task by coming to Yarmouth demanding restitution. Three Riding Officers and a military detachment arrested him at a local inn and Peake was escorted to Norwich Castle. His cell became a social centre for the local smugglers and the Commissioners feared he would obtain bail and disappear, escaping trial at the forthcoming Kent assizes.⁸⁷ His name does not appear in the list of prisoners tried at Rochester in 1745.

The careers of men like Peake, Burleigh, and their Hastings contemporaries, show that smugglers were equally violent at sea as on land. A loaded cannon was a more lethal weapon than a loaded whip, and they were not mounted for effect. The French brandy traders posed a real threat to the preventive services in the 1720s and 1730s, and English seamen adopted the same tactics. Captain Martin had not been able to persuade his men to fight Peake and Harvey; Captain Spooner, commanding the Yarmouth smack, encountered the same problem. Two men were shot trying to board Jonathon Pixley's vessel in 1737 and the next time the schuyt was sighted, Spooner's crew refused to try and intercept it, 'alleging they were not obliged by their duty to go in danger of being knock't on the head.'⁸⁸ Pixley was brought in by HMS Fly soon afterwards, following a two hour chase and 'firing 16 or 18 guns off of Hasborough.'⁸⁹ Detained in Norwich Castle, he and his crew joined another group of smugglers brought in by Captain Southgate.⁹⁰ Commanders of revenue cruisers at Rye, Dover, Harwich and Yarmouth were arguing the case for larger cruisers and crews, and more substantial armaments. The smuggling cutters were carrying six to eight carriage guns and some were large enough to simply run down the cruisers.⁹¹

Once the Sussex smugglers are set in context it is clear their violence was far from atypical. Force and intimidation were a means of protecting the smugglers' livelihoods; similarities between smuggling regions were

to be expected. The Galley and Chater killings merit close attention for the way in which they gave a further boost to the efforts of central government to curb the smuggling gangs, but if smuggling is to be better understood, the emphasis should be on financial and commercial imperatives. Working in large armed gangs meant goods could be cleared off the beaches quickly and the preventive forces resisted. Having developed the organisation needed to handle large consignments on land, it was a natural step to employ larger, better armed vessels, so making more efficient use of the manpower assembled on the coast. Co-operation between gangs worked to their mutual advantage and it is quite probable that the attention given to the 'Hawkhurst gang' has obscured the extent to which the Grays, 'Trip' Standford, Jeremiah Curteis and other master smugglers were combining their separate forces within a regional network.

The increasing violence of the later 1740s can be seen as a response to external and internal pressures. Excise duty on tea was reduced from four shillings to one shilling per pound weight and fair traders, buying at the East India Company auctions, were better able to compete with those who relied on the smugglers for their supplies.⁹² The war with France meant a larger military presence in the maritime counties and more naval activity in the Channel and the North Sea. Established trade patterns between France and the south coast were further disrupted when Commodore Barnet captured 1,300,000 lbs of French tea and sold it in Holland. The smugglers were having increasing difficulty

selling tea and could no longer afford to lose one shipment in five.⁹³ Aware that stocks in the East India Company's warehouses were low, smugglers or their agents, attended the London auctions to bid up prices, trying to maintain the cost differentials between legal and illegal teas.⁹⁴ The Company responded by making massive purchases abroad, as it was entitled to do under the 1746 Act. In the sixteen months up to Christmas 1747, the Directors obtained licences to bring in 2,300,000 lbs from Holland, more than a year's total consumption according to one estimate.⁹⁵ Nearly a quarter of this was Bohea, and the object of these purchases was to restrict the smugglers' sources of supply.⁹⁶ The 1746 Act reduced the judicial process to the oversight of administrative detail.⁹⁷ The £500 reward for every outlawed smuggler brought in was an offer which some could not refuse. When villagers in Kent and Sussex were setting up bounty hunting posses, and their confederates were tempted to turn informant, the smugglers' options were limited. They could surrender, and stand trial on capital charges, they could take flight, or they could work to promote internal solidarity and continue relying on a combination of fear and financial interest deterring potential informants and witnesses. John Collier expressed the view that the 1746 Act had served to make the Sussex smugglers more desperate, and those in other regions were subject to the same pressures.⁹⁸

Because violence had a rational basis, it does not follow that every act committed in the furtherance of illicit trade met with general approval, or even that all smugglers

agreed with extreme measures. Stephen and John Tucker were proclaimed for running goods at Sandgate Castle in November 1746; they refused to surrender and planned moving to Holland 'and get aboard some of our men of war, or enter into the Dutch service who employ Tenders to their ships now, as we did the Folkestone cutters.' George Oxenden proposed the Tuckers might be pardoned on condition they served a year in the navy.

they are Smugglers it is certain, but of the Civiller Sort, & never that I have heard used any fire arms nor was ever in any Fray, but traded indeed for their Quota of Brandy as their Neighbours did... they told me that the Western Smuglers (which are those of the Wild of Kent & Sussex) designed resisting to a man, but for their Parts they abhorred that Class & their method of Smugling & their intentions.⁹⁹

Oxenden was very ready to present their case. The previous year the Tuckers had left off smuggling long enough to turn out and join the military force raised by Oxenden and other Deputy Lieutenants in Kent as a defence against a French invasion. 'They were very active and usefull to us at the time...and went out for several Days by my direction in quest of Lally, & I dare answer for it, would have taken him had they found him.' Not only 'the most innocent and inoffensive of Smugglers,' but anti-Jacobites as well; the problem might well be finding a 'typical' smuggler.¹⁰⁰

Smuggling and Communal Violence: Later Developments

Cal Winslow argues that smuggling has generally been left out of social history, and 'out of the traditions of resistance, carried on by the poor, to the laws and institutions of their rulers.' There here have been exceptions:

But even here, they have been seen only on the fringe of the crowd, as for example, when George Rudé...writes that 'attempts to impose excise and to stop smuggling met with stout resistance...' Rudé pointed to the hanging of Captain Porteous, but then concluded that such physical violence [was] quite exceptional.' This is inexplicable, at least as a reference to smuggling.¹⁰¹

If a distinction is made between the violence perpetrated by smugglers, and popular protests associated with smuggling, Rudé's assessment remains valid for the first half of the eighteenth century, the period under discussion by Winslow. Informants were attacked by mobs in Hastings and Chatham, a seizure in Kings Lynn resulted in general rioting, and a crowd in Ipswich freed some smugglers from custody, but there is insufficient evidence for any sustained critique of Rudé's statement.¹⁰² The numbers taking part in some of the landings on the east and south coasts suggest that most of the able-bodied men in the nearest villages must have turned out, but there is still the question of whether or not there was any general tolerance of the murderous violence perpetrated by the professional smugglers.

Popular protests in support of smuggling, as distinct from smugglers defending themselves and their property against the preventive forces, featured more prominently after 1760. The situation changed after the Seven Years War. McLynn argues there was a connection between smuggling, economic distress, and the food riots of 1765 and 1766.¹⁰³ The authorities were very ready to portray smugglers as agents of social subversion but contemporary accounts failed to link smuggling and popular protests against high prices and shortages. There were, in fact, a number of riotous outbreaks which can be more directly linked with the contraband trade .

East Kent was a well established smuggling centre and by the later 1740s the gangs there were being compared with their Sussex counterparts. Admiral Vernon stated there were 200 'able young men and seafaring people,' in Deal, 'with horse and arms to be ready at calls,' and as many or more smugglers at Dover, Ramsgate and Folkestone, but the communal lawlessness which was to be so striking a feature at Deal could not have been predicted from its previous history. The catalyst was George Grenville's decision to deploy royal navy cruisers on permanent revenue duties.¹⁰⁴

The Mui's attach little importance to tea smuggling out of East Indiamen on their way up the Channel since, 'no regular trade could be built upon a supply that was neither sufficiently large nor constant in amount.'¹⁰⁵ Tea was not the only form of contraband, and much smuggling was

conducted on a casual basis. The men who made regular crossings to the continental and off-shore smuggling emporiums could just as easily sail out to meet merchantmen bound for the Thames. The quantities of tea changing hands may not have seriously dented the East India Company's profits, but the trade could assume considerable importance within local economies. The revenue authorities were certainly concerned at the extent of their possible losses, and took special measures to try and curb these transshipments. Masters sailing out of Dover and Deal were suspected of illicit trading under cover of coming alongside Indiamen and offering their services as pilots through the Dover Straits, and when vessels came into the Downs, officers and crews took the chance to dispose of that part of their, 'private investments' disallowed by the Company and the Customs.¹⁰⁶

This traffic did not result in any major clashes until 1764, when H.M.S Humber anchored in the Downs, and her commander sent out a boat to intercept a suspected run. Some goods were seized then rescued by the party waiting on shore, who 'so beat the Humbers People as to oblige the Midshipman...to jump overboard.' Not long afterwards, a Dover Customs boat was boarded and stripped of its sails, oars and rudder, leaving the officers, 'adrift to the mercy of the sea.'¹⁰⁷ The next encounter resulted in a full scale riot. Forty boats were plying between the Falmouth East Indiaman and Deal beach during the evening of August 7,

1764. A boat from HMS King of Prussia moved in on one of them, and a smuggler was shot in the mouth at point-blank range. Next day another Deal man was injured when he objected to his boat being searched. The patrol boat was then surrounded and forced inshore, where the sailors were beaten and stoned. The crew escaped by swimming out to sea, but Thomas Pounteney, surgeon's mate, was made to run the gauntlet through the streets of the town, his arm already smashed by a blow from a tiller, and his head streaming blood. Lieutenant Prettie, commander of the King of Prussia, was in Deal, but when no one was willing to row him back to his ship he decided to lay low, 'till the fury and heat of the Mob was in some measure abated.'¹⁰⁸ Eleven men were identified in the assaults and the rioting but despite Grenville's personal interest in the affair, there were no prosecutions.¹⁰⁹ The only witnesses were from the King of Prussia, no seizures had been made, and Prettie had mistakenly assumed he might delegate his authority to stop and search for contraband, given him by Treasury deputation. The Deal Customs men had seen the riot, but dared not approach, 'such a tumultuous assembly.' A letter to the St James Chronicle asserted that the officials, 'had no reason to complain of any Violence or Incivility of the Smugglers against them,' and held the navy responsible for what had happened. Sailors had fired indiscriminately at the Deal boatmen, and by blockading the port threatened their economic survival.¹¹¹

Living alongside the local boatmen, fishermen and smugglers, revenue officers had to establish some kind of modus vivendi with the inhabitants. Royal navy personnel were not under the same pressure. Further shooting incidents involving men from the King of Prussia were reported in August and September 1764 and in November the following year a smuggler was shot dead on Deal beach.¹¹² Midshipman John Fitzgerald, in charge of one of the boats from HMS Winchelsea, had failed to secure a seizure of brandy from, 'a large Topsail boat,' he had followed inshore. A second boat had put out from the beach and in endeavouring to prevent its crew from rescuing the casks they were trying to seize, Fitzgerald and John Henderson were captured and left on shore. Lieutenant Atkinson, out on patrol in a second boat, found the smugglers gathered, 'in great numbers,' by Sandown Castle, where the topsail boat was lying in shallow water. When he boarded and tried to make a seizure, Atkinson was attacked, disarmed, and briefly rendered insensible. The mob was pelting the sailors with stones, 'and in the most imminent danger of their Lives, a Musquet was discharged,' killing a man in the crowd. Atkinson and his men lost no time in getting afloat and returning to the Winchelsea, but Fitzgerald and Henderson were stranded in Deal, lodged at the Port Arms. The inn was surrounded in the early hours of the morning and the two men were taken and dragged through the streets, the mob threatening to lynch them, or cut them into small pieces. The mayor examined and discharged them, providing a guard to ensure they made it back to their ship alive.¹¹³

After a melee similar to that involving Lieutenant Atkinson, John Winder, a seaman from HMS Cruizer, found himself facing a felony charge; he had discharged a musket in the direction of a menacing crowd on Deal beach, and wounded Thomas Jordan.¹¹⁴ The customs boatmen from St Margaret's were chased by a flotilla of galleys when they fired a warning shot over the heads of some smugglers on Deal's north beach. Seeking refuge in the watchtower the revenue men found themselves besieged by a hundred men brandishing clubs and threatening to kill whoever it was had used a firearm.¹¹⁵

Many of the participants in these riotous assemblies would have had a direct interest in the smuggling trade, but the numbers involved, their evident indignation, and the open nature of their actions, indicate something more akin to popular protest. The Deal people's response to the policing efforts of the navy was akin to the reactions in the Channel Isles and the Isle of Man when the Crown took steps to extend its authority. When Captain Dow took his cruiser into Manx ports in 1750, and insisted on searching foreign ships for contraband, Daniel Mylrea, Deputy Governor and deemster on Man, charged him with 'violent and illegal proceedings, such as... were never committed [Sic] in every[Sic] country governed by Law.'¹¹⁶ Fifteen years later, when Grenville considered it crucial to end the island's fiscal independence, the inhabitants felt they were the victims of illegality. When the Act of Revestment was passed in 1765, Charles Lutwidge was

in charge of the revenue cutters patrolling the Island, and responsible for organising search parties ashore. John Terisell, writing to George Moore, merchant and smuggler, composed a fierce indictment of Lutwidge's proceedings:

I see Mr Lutwidge is gone to London and no doubt but to ingratiate himself will do us as much mischief as in his power, and really Head should be made against him, and for my part I think his Severity and cruel Treatment to the Inhabitants if properly laid down would paint him so to the Ministry that he wd not well like to have the picture drawn. He landed here the 10th of June last, the 13th he sent 25 Men to search, ransack, terrifie & frighten & intimidate the whole country round us - Armed with Blunderbusses, Backswords, Pistols, Cutlasses etc. Many have made Declarations of the violent attacks & insults they sustained by this Headless Banditti, and ready to swear by them too, of their threatening them with fire & sword, Breaking open all their doors, running their swords thro' their beds & sacks in the Houses of Millers. They also be constantly looking in the Streets in the night with unlawful weapons, which so greatly alarm the people that they in the night dare scarce go abt their business. I may add to this the Breaking the Country peoples Boats without either Tryal or hearing with a multitude of other greivous devastations wch I presume the Eng^l Government never desired to be committed agt us beside his taking into his Service the Ruffins or rather the Issuings of the Gallows in this Island wch by their constant going abt & breaking open Houses at will or some pretending to look for smuggled goods has greatly encouraged House breakings and other Roberies to be committed.¹¹⁷

In 1766 Lutwidge was appointed Surveyor General for Man.

Common interests in trade, smuggling and privateering made for greater cohesion within the commercial, landowning, and office holding elites in Britain's off-shore islands. Traditional practices were further legitimised when local notables articulated community grievances. In the absence of a written record explaining their position, much has to be inferred from the nature of mainland riots. Events in Deal, when the mobs administered their own rough justice and looked to the magistrates for redress, resembled other forms of popular protest. The same was true of a riot at Hastings when the revenue authorities tried to take up Stephen Bournier, alias Ruxey, the reputed leader of a crew of piratical smugglers operating out of the port.¹¹⁸ The Bournier brothers were known to be the main culprits as early as 1765, but it was not until 1767 that Stephen was arrested by John Buckley, a Hastings revenue officer. Bournier was held in the excise office under military guard, and Buckley sent to Lewes for additional assistance, but it arrived too late:

about an hour after Mr Lidwell was gone, a Mob of upwards of two hundred People assembled before the Excise Office, and ten or twelve of the Ringleaders with Pistols in their hands, swore that they would die every man but the Prisoner should be set at Liberty, nor a man should not be taken out of the Town or any Bond given.¹¹⁹

Fearing murder would be done, Buckley let Stephen Bournier go free, and he and his crew sailed straight for France, allegedly taking £200 with them for the purchase of tea

and brandy. The Bournier gang were not the only smugglers working out of Hastings, but there were only about thirty men concerned in acts of piracy. Allowing for a network of kin, clients and associates, it is still unlikely the gang could have mustered so large a crowd in such short time unless there had been general sympathy in the town. There were no easy ways of earning a living going to sea, and the 1759 Privateering Act, restricting the issue of commissions to ships displacing 100 tons and upwards, closed off one of the remaining legal pursuits available along the south coast. There is no record that they ever killed anyone, but the Bournier gang were a diplomatic embarrassment and great care went into portraying them as multiple murderers. The disinformation devised by contemporary journalists and politicians is still presented as historical fact.¹²⁰ The Parliamentary reports on smuggling show that there was as much concern over the threat posed to public order as there was for the sums lost to the revenue. Riots in support of smuggling were unusual, but communal involvement in running goods on the beaches was a growing feature of the contraband trade in the 1770s and 1780s while there was often no need for subterfuge when disposing of goods. When the Vansittart East Indiaman put into Falmouth in 1765, 'it was like the busiest fair we have in this county.' At least £5000 worth of muslins, silks, and handkerchiefs were reckoned to have been bought aboard the ship and later hawked around Cornwall and Devon.¹²¹ If the contraband were not sold as the Indiamen came up the Channel, it could be disposed of within the port of

London. Smuggling on the Thames reached its height in the 1780s, when men from Deptford were operating in such numbers, and with such effrontery, that the authorities sensed a deliberate challenge. The Board of Customs wanted troops stationed there, but no military assistance was available when the Dublin arrived in October 1786. As the Indiaman rounded Blackwall point, the south bank was lined with people, and dozens of small craft were out. George Johnson, in charge of one of the escorting galleys, saw about 40 boats, 'with smugglers and their assistants come from the shore.' They made straight for the Dublin, and began taking out bale goods through the portholes. Johnson and his colleagues in the boats from the Defence cutter could do nothing; they were surrounded by smugglers and under a constant hail of missiles. On board the Dublin the crowd was standing ten deep and the contraband was carried off, 'by means of a bridge of boats stretching from the ship to the shore.'¹²² One East India Company official estimated there were 200 craft used in this operation. When the Company men and Customs officers on board the Dublin did try to check the traffic the Captain ignored their requests to close the portholes, and Mr Birch, the supervisor, had boiling water poured over him.

The affair led to a full enquiry by the Company; Captain Smith and the first mate of the Dublin were dismissed, and troops stationed at Deptford to assist the revenue.¹²³ Nevertheless, later that month the master of the cutter guarding the Winterton East Indiaman at Blackwall had to open fire when, 'a great number of boats made an attempt to board the ship, and the people with horrid imprecations insisted on having goods out.' Beaten off once, they returned in the early hours of the morning to try again.¹²⁴

VI

Comparing Levels of Violence.

The Scottish Experience

According to one of Pitt's correspondents, the contraband tea trade in Scotland in the 1780s was in the hands of, 'the substantial tea dealers in the coast towns, who are the most decent and respectable of inhabitants', and, 'the principal...dealers at Edinburgh, Aberdeen and...almost all those in our large inland towns.' Their affairs were conducted in a, 'snug, profitable, easy way, with little noise.'¹²⁵ While the overall management of the business may have been done quietly and efficiently, parties of between 700 and 800 men used to assemble on the beaches to collect and remove cargoes.

The Muis draw much on this one source to sustain their argument that the distinctive characteristic of later eighteenth-century smuggling was the way in which illicit imports were introduced into the legal channels of sale and distribution, and Pitt's informant maintained that if tea smuggling could be made less lucrative, illicit imports of brandy, gin and rum spirits would also decline for want of sufficient capital investment. 'Desperate adventurers', employing smaller ships and fewer men, might have continued, but 'it would be within the power of the revenue officers and cruizers to suppress it.'¹²⁶ The smugglers' levels of desperation did not depend on the nature of the cargoes they were carrying, nor was the interlocking of legitimate and illicit commerce an innovation of the 1780s. A 1764 report on smuggling from the Isle

of Man to the Scottish coast, noted how methods had changed over 'the last few years.' Previously, goods had been run ashore and concealed in rocks and caves while the landers went off in search of customers. By the end of the Seven Years War:

the smugglers, dispersed through all the different parts of the country, have formed themselves into societies who depute some of their number to purchase the commodities they want in the Island and to carry them over at their own risk, at appointed times and places, when and where they assemble to receive them in numbers and with a force too formidable for the Officers of the Revenue, with any small military parties that can be collected in those parts, to attempt to disturb them.¹²⁷

A cargo could be cleared from the beach in a quarter of an hour and taken off through the Galloway hills, where only light horse had any prospect of catching up with them. The more substantial smugglers encouraged 'the farmers, their servants, men and women and the lower class of people in general' to invest in the Manx trade 'as the most certain pledge for securing their assistance upon all occasions, the pernicious effects of which are too evident by their conduct, being always ready to assemble, obstruct, assault and deforce the Officers of the Revenue.'¹²⁸ Colin Campbell commander of a revenue cruiser, had 40 armed men with him, including soldiers, when he found a cache of spirits at Old Kirk, near Greenock. The church bells were rung as an alarm, and 'a great Mob armed with Flails, Pitchforks and Sticks assembled and attempted to intimidate Mr Campbell

and his Party.' They had to open fire and wound a number in the crowd in order to get themselves and the casks back on board the cutter.¹²⁹

Smuggling was an entrepreneurial activity, sensitive to market forces and fiscal strategies, and the contraband trade needs to be studied in the same way as other forms of commercial activity. The Muis' approach stresses these aspects, but in providing a necessary corrective to more anecdotal accounts, they minimise the smugglers continued reliance on physical force. Smuggling was becoming more sophisticated, but this was due to the expansion of long established fraudulent practices. Thousands of pounds worth of goods were moved under cover of excise permits, bills of sale from the East India Company's auctions were a useful screen for untaxed tea, but the contraband had first to be brought in past the preventive forces.

VII

Smuggling Privateers

MacLynn and the Muis acknowledge the greater size and armaments of the smuggling vessels, but do not discuss the extent to which this greater strength was used. The commanders of the revenue sloops had complained that they were often out-manned and out-gunned in the 1740s, and their situation worsened as a consequence of the Seven Years War. Privateering commissions might have been designed for the smugglers' convenience. They provided a justification for fitting out ships with cannon and signing on extra crew. The Channel was a main hunting ground and

the privateers would frequently be hovering off the English coast. If searched, contraband could be passed off as goods rescued from disabled prizes, the vessels not worth salvaging.

In 1758 the Customs Commissioners complained that small vessels were taking letters of marque 'under pretence of annoying the enemy, whereas we have received information that the only use they do, or can make thereof, is to colour their running prohibited and uncustomed goods.'¹³⁰ The Antelope, from Sandwich, was intercepted attempting to bring over nine chests of tea from Flushing. Nathaniel Pigram the younger arrested the Hastings cutter for running brandy and the Rye Collector reported that it had 'constantly been employed in the Smuggling Trade and often times insulted and fired at Mr Pigram's people to hinder the boarding of her, though in the Day Time.' Warren Lisle, had to admit failure when he tried to board the Thomas and Mary, suspected of running tea across from Guernsey. The smuggler carried six carriage guns, twelve swivels, and a crew of 25. Thomas Aylesbury, the master, was later to hang for his part in the Bournier gang's piracies.¹³¹ The captains of these privateers developed a new tactic when running goods, sending the crews ashore to act as escorts, and supplying firearms to the gangs of riders. Thomas Green, commanding a Selsey based cutter, landed three tons of tea at Elmer Sluice early in 1758. The cargo was seized by Riding Officers, who then sent for military assistance. When the soldiers arrived the preventive force came under attack by 60 smugglers, armed by Green. Thomas Cole, one of the dragoons, was shot dead.¹³²

Smuggling and privateering were again linked during the American War of Independence, and the integrated nature of economic activities within the maritime counties was evident. As early as January 1777 recruiting was underway along the south coast for seamen to crew the American privateers being fitted out at Bordeaux, Dunkirk and Nantes. Eighteen months later there were reports of several large cutters under construction at Dover and Folkestone. There were rumours that while the commissions came from Ostend, the vessels were intended for Dunkirk.¹³³ The Dover Collector provided more details, and a less alarming explanation:

there are nine Cutters from 100 to 200 Tons now building at this Port & at Folkestone & Sandgate there are Thirteen Cutters building from 150 to 240 Tons & upwards, some of which it is said are designed for Government, some for Privateers and others for Smuggling, but we apprehend chiefly for the last mentioned service, but whether any of them are privately intended for French account we cannot with any certainty declare on the contrary, though it is supposed by some that three or four Cutters building by Henry Ladd, Thomas Allen & Griffith Archer of this Town are designed ultimately for some persons residing in France.¹³⁴

The Americans and the French needed ships, seamen, cannon and ammunition and it was thought that guns were being sent over from Kent and Sussex, either direct to France, or by way of Ostend. Large carriage guns, 12 and 18 pounders, were thought to be awaiting collection from the shore at Sandwich, 100 had been shipped out of Dover on the Thomas and Mary, and 22 from Folkestone.¹³⁵

William Arnold, Collector at Cowes, attributed the numbers of large armed smuggling cutters operating in the Channel to the wartime emergency when their commanders took out commissions 'tho' in fact they followed no other trade than smuggling.¹³⁶ Harry Carter, one of a family of Cornish smugglers from Prussia Cove, took out letters of marque for a newly built cutter of 197 tons, with 16 carriage guns, 26 swivels, and 60 men. He lost his command when he sailed into St Malo and the French confiscated her. Returning to Cornwall, he was entrusted with the Phoenix, equipped with 20 six-pounders. He does not appear to have enjoyed any great success as a commerce raider, and was probably pleased to revert to straightforward smuggling after the war.¹³⁷

William Jefford, master of the Active letter of marque, seemed determined on confrontation with the revenue cutters. When intercepted by the Hawke off Mevagissey, he informed her captain, Ambrose Nicholls that, 'no Custom House Vessel in England should examine his Vessel unless by force of Arms.' Nicholls went to Fowey for help, leaving a boat's crew to keep observation. They came under fire from the Active's guns loaded with, 'round and Grape or Canister Shot.' The smuggler was eventually brought in by the Brilliant cruiser, carrying extra manpower from the Hawke and the Fowey garrison; the smuggler was boarded after an exchange of cannon fire.¹³⁸

Some of the privateers sailing out of French ports pretended to be smugglers as a cover for their real activities and genuine contraband carriers using Dunkirk complained to the French authorities that allowing the American Gustavus Conyngham to use Dunkirk was attracting too much English interest, and trade was being hurt by the navy's presence in Dunkirk Road.¹³⁹ William Haggis, commanding one of the Harwich Customs cutters, gave the privateers lurking off the east coast as the reason for him to engage more crew. There were two vessels in the Wallet, 'filled with Men, mostly English, tho' they have French Commissions.' Haggis reckoned they were after prizes, and were using smuggling as a cover, carrying a few casks of liquor in case they were stopped by cruizers 'of Superior force,' and had to explain their presence on the English coast.¹⁴⁰

As with some English letters of marque, commanders with American and French commissions combined privateering and smuggling. In February 1781, eleven men landed out of a boat at Runton, carrying muskets, cutlasses, and a Dutch flag. 'They greatly terrified the inhabitants,' and a press gang was brought in from Cromer to round them up. The gang was taken to Norwich, protesting that they were only smugglers, 'and say they belong to a sloop with thirty men, and came out of Flushing a month since.' The suspicion was that they had sailed with Daniel Fall, a known privateer, and had not abandoned their sinking sloop, as they claimed, but were sent, 'to plunder, or surprise some unarmed vessel.'¹⁴¹

The same party had earlier attempted a landing at Whitby, where three of them were wounded in a clash with the local Volunteers. Fall was identified as a smuggler in 1783, but he still had a letter of marque. A deserter from HMS Aldernay in 1779, he won notoriety in February and March 1781 when he was reckoned to have taken eighteen prizes. In August, Sir John Warren wrote from Scarborough to the Collector at Yarmouth, describing how two privateers had been brought in by the Winchelsea. The master of one was supposed to have been born in Dunkirk, but, 'his Frenchified name was not unlike Faull.' The other captain was 'Brown of Deal,' wanted for the murder of a Customs boatman some years earlier.¹⁴²

VIII

The Rationale for Violence

Establishing that there were links between smuggling, privateering and piracy helps corrects the impression that as illicit and legitimate commerce merged, and the smugglers worked more within the regulated market, violence ceased to be an integral part of the contraband trade. The scale of the operations in different locales points to a more intelligent application of force rather than its diminution. Assembling hundreds of men on the beaches, and using heavily armed ships as an exercise in deterrence, could be sufficient to prevent interference by the land and waterguards.

along the south coast. When a party from HMS Folkestone tried to make a seizure near Poole, Midshipman Robert Wilson was badly beaten, Eneas Atkin was shot through the leg, and Edward Martin was assaulted, shot, and dragged into the sea, 'and left there almost dead &...with a design for the Breakers to drown him.' Robert Trotman the 'Head of a desperate Gang of Smuglers was kill'd' in the fighting.¹⁴⁴ The smugglers in East Anglia were certainly active in the mid-1760s, but there were no reports of the large, well armed parties characteristic of the 1740s. The sudden increase in violence, including the murders of Peter Haslip and Thomas Jenkins at Hapton, coincided with the implementation of the new excise rates. The demand for East India Company tea had gone up during the war, but then began to fall away. With the reduction in duty, smaller dealers and retailers, previously dependent on the smugglers for supplies at prices working men and the 'middling sort' could afford, would at least consider acquiring future supplies of tea through legitimate channels. The smugglers in turn would respond by taking steps to reduce unnecessary overheads, such as allowing the revenue men to make substantial seizures.

From the later 1760s, the revenue officers faced a situation much like that twenty years earlier. Boston was, 'infested with notorious smugglers...no officers scarce dare appear on the sands without manifest danger of their lives, they come in so great companies, and all so well armed.' Anyone interfering was threatened with being taken aboard the cutters, and the crews declared, 'they would protect any of their chapmen ten miles into the country, and defy all the customs vessels in these parts.'¹⁴⁵

The mobility of the smugglers was even more marked than in the earlier period. In November 1770, the Norwich Mercury recorded, 'a great many desperate smugglers lurking about the Norfolk coast, who are fled from Kent, Sussex and Surrey.' Thomas Bean of Deal was arrested at Happisburgh in October and taken to Norwich Castle where he was visited by Thomas Tanner, commander of a Rye cutter running goods in Norfolk. When Tanner himself was taken, and held at the Swan Inn, Happisburgh, his crew surrounded the building and exhausted their ammunition firing in through the windows.¹⁴⁶ Christopher Cutting and his assistants unearthed a cache of tea and spirits on Bacton beach, but were forced away by Francis Artis, master of a Folkestone lugger lying offshore. Artis's men then landed carrying firearms, and rescued the contraband, bar twenty-one casks of gin, left as tribute to the revenue, and one presented to the crowd of onlookers.¹⁴⁷

William Hart, commanding the Bee cutter out of Harwich, would not risk an engagement with two well-armed cutters off Orfordness, but he was able to identify one of them, 'well known upon this coast and commanded by one Cocks, or Cox, known by the name of Horney Cock.'¹⁴⁸ Cox's real name was Richard Dangerfield, another Folkestone man, and his smuggling record went back six years earlier to 1772, when he was running cargoes from Flushing and Boulogne into Kent and Sussex. A party from the Bee later discovered 300 casks of spirits in a cellar, having traced cart tracks from the River Deben. Before they could get a waggon, 'a hundred men, smugglers and others,' surrounded them and recovered the spirits. The revenue men were convinced the goods had been run out of Cox's ship.¹⁴⁹

A year later, Hart was pursued into the Wallet; he had approached a cutter thinking it was unarmed, 'but when he came very near she ran out five Guns on one side, fired into the Bee, and chased her through Goldiman's Gap...firing at her till she was out of reach of her Guns.' In April 1778, William Haggis, mate of the Argus, sighted a cutter off Dunwich and moved in to board her.

The Cutter stood for the Argus and hoisted a blue pendant at her masthead, they also slung their Gaff, Jibb and Foresail with Chains and fired a Gun: my Mate hoisted his Ensign and fired a Gun, but discovering her to be a large Cutter with Ten Carriage Guns, besides a number of Swivels, and full of Men, and as the Argus having neither shelter for her Men, or Chains for the Sails etc. nor otherwise equipp'd to risque an engagement without a manifest hazard of having both Officers and Men cut off, they thought in such a case it was most prudent to put about, and stood from her, upon which the Cutter set a larger Jibb, and endeavoured to come up with the Argus, but finding the Argus outsailed them, they bore up and fired their two stern chase Guns at the Argus.

Hart came across the same cutter off Southwold the next day, and was harried south along the coast as far as Orfordness.¹⁵⁰

The revenue cruisers did enjoy some individual successes. William Dowsett, a known smuggler, grounded the Neptune on the sands at the entrance to Burnham river, but he refused

to allow any officers from the Bee to come aboard. When the incoming tide floated his ship off, Dowsett tried to fight his way past the Bee, firing nails and pieces of old iron from his swivel guns. Two smugglers were killed and three injured in the exchanges and the Neptune was taken.¹⁵¹ More often, the cruisers were outgunned and to make good the deficiency, both the Bee and the Argus were equipped with the newly invented carronades.¹⁵² Captain Fisher, commanding the Yarmouth based Hunter, described beating off a smuggler after an exchange of broadsides off Beckhithe in 1777; his adversary mounted six carriage guns and eight swivels and like several of the smugglers he encountered, it was of 'superior force and better mann'd than the vessel under his command.'¹⁵³ Fisher had his eye on the Dover Customs cruiser, a 120 ton cutter carrying eight or ten cannon. Denied a new vessel Fisher continued lamenting the Hunter's impotence in the face of formidable smugglers, '.all of them of great force, full of Men, & in general sail in Concert':

on their first discovery of a Revenue Cruiser they hoist a Jack, Fire a Gun to Leeward as a signal to bear down to each other, and engage her, scarce any of which singly are able to sustain the Conflict, much less can they hope to take them, or effectively suppress their illegal and dangerous conduct.¹⁵⁴

Fisher wanted a frigate or sloop-of-war stationed on the Norfolk coast until he had a bigger and better armed cruiser.

Some of the smuggling cutters were formidable adversaries for the revenue cruisers. There was a 300 ton Folkestone cutter with 60 men and 22 guns, which put in 'weekly when the weather permits, at or near Dunwich to a most numerous gang of smugglers.'¹⁵⁵ HMS Ariadne and HMS Fly captured the Deception and the Three Brothers in June 1780, with six tons of tea and more than a thousand casks. The Three Brothers had only a few swivel guns, but her escort carried fourteen three and four-pounders, sufficient to deter the Customs and Excise patrols sailing out of Harwich and Yarmouth.¹⁵⁶

The smugglers were not going to surrender their vessels and cargoes all the while they outmatched the revenue cutters. In an effort to improve the odds, the cruisers began sailing together. The Hunter and the Argus succeeded in capturing and bringing in a smuggling cutter in March 1778 though:

The People on board were so desperately determined to defend themselves against an equal force that all their Guns were loaded with Ball and Grape Shot, and other Balls were made red hot, in order on being fired to make the greater destruction.'¹⁵⁷

Crews from five cutters attacked the customs officers when they tried to carry out searches on the River Burnham in 1784, and Fisher lost one of his men at Bacton, attempting to board Charles Gee's ship. When the Hunter's boat came near, the smugglers opened fire with:

'Cohorns, Muskets, Blunderbusses and other Fire Arms, and mortally wounded Robert Jay...they also hove into the Boat a Heavy Cohorn, Carpenters Adz, Pistols and other Weapons and endeavoured to sink the Boat and Destroy all the People on Board the Boat.'¹⁵⁸

Some of the attacks by smugglers were as much as assertion of power as a defence of their property. James Woodward and four of his men from the Swift were overpowered on board John Ward's smuggling cutter. After a stormy crossing of the North Sea they were left in Flushing, returning on the Dolphin packet. Three years later a boarding party from the Swift was again surprised during a search. This time the smugglers abandoned the officers off the Essex coast, and took the cruiser.¹⁵⁹

Limiting the area of investigation to East Anglia, and concentrating on the maritime aspects, it is not difficult to contest McLynn's claim that the Wealden smugglers of the 1740s were in some sense unique in their use of force and terror to safeguard themselves and their property. The violence employed by the smuggling commanders in the 1770s and 1780s was of a different order, artillery taking the place of small arms as the main weapons, but the motives were the same and the evidence of rationality more convincing. To the north, smugglers running goods on the Yorkshire coast, took care to impress the revenue officers with the strength of the contraband cutters. In November 1774 the Mermaid and the Eagle were moored in

the Tees not 'daring to stir for fear of being sunk.' There were five smuggling cutters in the bay, and one of the Customs mates had been given a conducted tour of the largest of them. Her commander pointed out the strength of his armaments and the size of his crew, and passed on the information that he would assist any other smuggling vessel the revenue men attempted to search.¹⁶⁰ When anchored in Saltburn Bay, the Eagle was approached by two armed shallops and told to get under way or be sunk. David 'Smoaker' Browning, then opened fire, shredding the cruisers sails and rigging and forcing her to take refuge in the Tyne. The Mermaid had to abandon her patrol off Dunstanburgh Castle, and when the two ships sailed together, they came under attack from two shallops and a schooner off Robin Hood's Bay. 'The vessels are all Armed as are all that come upon this Coast...two or three of them always keep together and are determined not to suffer any of the Cruisers belonging to his Majestys Revenue to Cruise on the coast whilst they have any of their Cargoes on Board.'¹⁶¹ The Ferret tried to prevent a landing in Redcar Bay but the smuggling cutter made to run down the Customs boat, and maintained a continuous fire for twenty minutes.¹⁶² When a considerable seizure was made at Hartlepool, fifteen men from William Rowles ship broke in and rescued the goods, forcing their way into the King's warehouse at gunpoint.¹⁶³

Smuggling on the Hampshire and Dorset coasts was carried on by former privateers, large cutters and luggers between 200 and 300 tons:

It is no unusual thing for them to land their goods in open day under protection of their guns, sometimes in sight of the Revenue cutters whom they will not suffer to come near or board them...These large vessels frequently convoy over other smaller ones. They keep off till towards night, when they run in and land their cargoes at places where gangs of smugglers, sometimes to the number of 200-300 meet them.

Prices varied according to whether the goods were sold at sea, or landed 'under the protection of their guns' between Hurst and Christchurch, or brought into the Isle of Wight, Langstone or Portsmouth.¹⁶⁴ The smuggling cutters mounted between 18 and 26 carriage guns, and had complements ranging from 50 to 80; the Wasp took on a naval sloop carrying 22 guns and 140 men and had the better of the fighting. It was one of 'several actions with the Kings cutters and sloops, but always got off.'¹⁶⁵ The Cowes Excise cutter was forced off its station by the Doggerbank, a smuggling cutter carrying 22 twelve-pounders and a crew of 60, and the Chichester Customs cutter struck upon the bar at Littlehampton, fleeing another smuggler.¹⁶⁶

The balance of power shifted when the Admiralty sent HMS Expedition and HMS Orestes to back up the revenue cruisers. Captain Ellis of the Orestes captured the John and Susanna off the Needles in December 1783. She was a 280 ton cutter with 22 guns and 140 men. Gunfire from the Orestes's ninepounders destroyed the smuggler's canvas and rigging, and forced the crew below deck, but when boarded she was found to be :

perfectly clear for action, a vast number of cartridges fitted, guns cast loose, primed, shotted etc. her gaff chain'd, sails and rigging secured as is usual with vessels when they expect to come to action.¹⁶⁷

In March 1784 Lieutenant Crooke took the Expedition across to Guernsey, following up information about two luggers intending to run goods on the Hampshire coast. Crooke reported seven smuggling vessels operating out of the Island, most of them between 70 and 100 tons. A sixteen gun cutter had also been there, and the Ranger lugger. Built at Cawsand, and working the Cornish coasts, the Ranger was armed with 16 eight-pounders and six six-pound cannon.¹⁶⁸ The Orestes next seizure was the result of a combined effort with HMS Jackal. The smuggling cutter received six broadsides before striking her colours, and the hunt had lasted more than four hours; there were a number of Deal men among the crew, and the commander was Andrew Hague from Folkestone.¹⁶⁹

There were four fatalities among the Orestes's crew in 1784. Three men were killed when fired on from a smuggling cutter when out in the Oreste's boat, and the fourth in during an affray in Christchurch harbour. Two luggers slipped past Ellis and landed their cargoes near Christchurch Head. Estimates of the number of horses used to shift the goods varied from 100 to 400, along with 40 to 50 waggons. James Sarmon took the Excise cutter in, but a landing party was driven off by a threatening crowd. Ellis was notified, and he organised a flotilla of seven boats from the Orestes, the Swan Customs cutter, and the Excise.

As this force entered Christchurch harbour, the smugglers ran their luggers ashore, and when the boats came within range they opened fire from the ships and a hastily constructed earthwork. William Allen, the Orestes's master, was hit in the leg, and almost immediately afterwards a bullet, 'entered his right side and penetrated his liver and stomach...of which he soon after died.'¹⁷⁰ The gang withdrew to the Havenhouse Inn, and no attempt was made to dislodge them; the luggers were seized and brought out the next morning, The Orestes was involved in more incidents than most of the cruisers on revenue duty, having the men and the armaments needed to take on the smugglers, but the same patterns of intimidation and confrontation was apparent all round the coasts. Three smuggling vessels were reported unloading goods, 'sufficient to load three Thousand Horses,' at Old Shoreham in Sussex, and the Lewes Excise supervisor decided not to interfere with the 500 men seen in the vicinity. The combined effort of the Tartar, the Wasp and the Echo, drove the Longsplice cutter ashore at Seaford in February 1785, and Captain Haddock was killed aboard the Scourge Customs cutter when it was hit by a broadside. Richard Mackie was shot dead when the boat from the Assistance pursued a suspect vessel and Alexander Dawn, HMS Wasp's purser, was murdered at Dover. His corpse was found floating in the harbour some days later.¹⁷¹ Eight miles to the north there was a state of near war between the smugglers and the navy. Lieutenant Gabriel Bray, commanding HMS Nimble, claimed it was common

practice for the smugglers to fire on the revenue boats; 'they have Carriage Guns at many Avenues or Streets, to cover their large Boats, when landing Goods in the Night.'¹⁷² Bray's men were the targets for frequent attacks, and his zeal alienated the townspeople. In April 1784 two boats from the Nimble intercepted the Juliet lugger between Deal and the Goodwins. The ship was boarded and three smugglers shot dead, another died as his wounds were being tended, a fifth held out until he reached the hospital, and a sixth, having apparently recovered from his wounds, met his end after transfer to the Nimble, 'for greater security.' One of the first men killed was Thomas Browne, wanted for murdering Richard Mackie six years earlier.¹⁷³ The parallels between different parts of the country can be quite striking. While he made no mention of the fact in his autobiography, there were six smugglers killed on Henry Carter's cutter when she was boarded by men from HMS Druid in 1788.¹⁷⁴

Smuggling was well established in Cornwall by mid-century, when George Borlase claimed that the coast swarmed 'with smugglers from the Lands End to the Lizard,' who had become 'so bold and daring that nobody can venture to come near them with safety whilst they are at their work.'¹⁷⁵ A decade later, William Rawlings estimated that nine out of ten families in Cornwall drank tea twice a day, but 'perhaps not one family in one hundred buys what pays duty.'¹⁷⁶ Violent confrontations on the scale of those in East Anglia and the south east were infrequent

until the 1760s, when there was again the possibility of a connection between the cut in tea duty and an increase in violence. William Odgers was murdered by Melchiedeck Kinsman in 1768. Odgers, a Penzance officer, was caught by four smugglers just as he was about to remove a cache of brandy casks found in a field. They attacked him:

inflicting several Wounds and Bruises in several Parts of his Body, and particularly a violent Depression upon the Brain and a Fracture in the Left side of the Skull, and a compound Fracture in his Right Leg.¹⁷⁷

The injuries were caused by stoning and a frenzied attack with a loaded whip by Kinsman. Odgers lingered on for two days after the attack. Francis Drake, a debt collector for Thomas Priaulx, the Channel Isles contraband supplier, was killed the following year. The recipients were expected to pay as a matter of honour, but some smugglers took the expedient option. Kinsman was another of Priaulx's customers, and under some pressure to pay up at the time he killed Odgers.¹⁷⁸

In the early 1770s, Irish smugglers bringing goods from Dunkirk presented a danger to the revenue cruisers. There were at least a dozen wherries to be seen at Dunkirk at any one time, 'of about 100 tons burthen, having twenty or thirty men, and eight or ten carriage guns, three or six pounders.'¹⁷⁹ The Prince Earnest shallop, stationed at Penzance and St Ives, was one victim. In 1772 she was attacked by an Irish wherry and the crew had to take to the boat to escape cannon and small arms fire. Their

vessel was then plundered and sunk. Either she was recovered or a new shallop was built, for in 1777 the Prince Earnest was driven into Penzance by a 200 ton smuggling cutter, carrying 50 to 60 men and 14 cannon. Captain Jane was ordered aboard the cutter unless he wanted to see his ship sunk, once they had a hostage, the cutter left, with the shallop under orders to follow. The cruiser was later turned adrift, bereft of a seizure made by earlier by Captain Jane.¹⁸⁰ The Hawke's boat was driven ashore by the gunfire from 'a large new Irish cutter with Eight Carriage and Seventy Swivel Guns' which continued firing as the Hawke's people scrambled up the hill at Deadman's Point. The Hawke was then chased into Falmouth harbour by her intended quarry.¹⁸¹ The same thing happened to the Excise sloop stationed at Padstow. Having driven her into harbour under cannon fire, an Irish wherry fired off a salute and sailed for Newquay to unload her cargo. Another heavily armed, well-manned wherry was reported running goods near Penzance in January 1775, and in June two anchored half a mile off the port and remained three days, discharging goods. They had up to 16 cannon each, and every member of the crew was carrying a firearm.¹⁸² Armed gangs obstructed and intimidated the Excise officers at Porthollen and Truro, and the want of a cutter on the Penzance station was blamed for the extensive smuggling in Mounts Bay.¹⁸³ William Rawlings claimed 'it was no uncommon thing for 100 horse on Sundays as well as week days to be in waiting for one or other of the wherries and some smaller craft.'¹⁸⁴ Other

observers noted changes in the smugglers' tactics. As goods were brought ashore from the cutters, there would be, '100 Men and Horses on the Beach to carry them off, 80 of which are Loaded and the other 20 are light Horse and are an escort for the horses and Goods, they have carried lately in Triumph 3 or 4 Sloop loads.'¹⁸⁵ The crews were coming ashore with swords and pistols and providing escorts as the goods were moved inland. Echoing Borlase nearly thirty years earlier, Edward Giddy described the area around Penzance as 'Inhabited by a Set of Smugglers under the Denomination of Fishermen,' and noted the escorts from the ships. He estimated that £100,000 was sent out of Cornwall every year to purchase tea and spirits in France.¹⁸⁶ Giddy's assessment makes interesting reading when set alongside the suggestion that John Wesley's preaching had made a significant impact on the smuggling trade.

It would be mere Pedantry to attempt to describe...the shocking Effects, the moral and political ill Consequences of Smugling carried to such a daring Height; but I cannot help saying that Perjury, Drunkenness, Idleness, Poverty, Contempt of the Law & an Universal Corruption of Manners are in this Neighbourhood too plainly seen to accompany it.¹⁸⁷

The Carter family installed a battery at Prussia Cove during the American war, 'under Pretence of a Defence against the Enemy, but which is evidently designed to Protect themselves and other Smugglers in their unlawful Commerce.' In 1783, excise officers, supported by soldiers, had wanted to search Carter's premises, but came under cannon and

small arms fire. When they did reach the guns they found them loaded with grapeshot.¹⁸⁸ Six years later the battery was still in place, 'and the Country all round full of a most daring set of Fellows who would take the greatest pleasure in the Destruction of any officer.' 'Richard John, commanding the Dolphin cruiser, said there were nine six-pounders which were frequently turned on the revenue vesels and their boats. After the Dolphin had been fired on for the third time, trying to seize 'a noted Smuggling Brigg then in the Act of running her Cargo,' an expedition was mounted against Prussia Cove. Revenue officers were sent from Penzance and Falmouth backed up by a military detail from Truro, the Dolphin and two Falmouth revenue cutters standing off the coast. The land party found eight guns, 'loaded and pointed to the different roads to hinder our approach.'¹⁸⁹ The smugglers had left. Two years later the battery was stormed by the Volunteers from Helston. John Carter, protested vigorously when the guns were taken from their carriages, threatening to 'trounce' the revenue officials for issuing such orders.¹⁹⁰ The artillery remained in place and Edward Giddy wrote to the Home Office, asking whether there might not be, 'some providential Reasons for not removing this Nuisance, or some difficulties attending it of which I cannot pretend to guess?'¹⁹¹

The Commutation Act, and the Eden treaty with France, were intended to destroy the contraband trade, but Pitt was informed in 1796, 'that Smuggling is carried on to a vast extent by Armed Cutters, and particularly on the

Coast of Cornwall.¹⁹² The revenue cutters could not gain advance intelligence by visiting the Channel Isles, and were incapable of matching the smugglers unless they could act together. Gabriel Bray, still a lieutenant but now commanding the Hind revenue cutter, had the galling experience of being chased by two smugglers into Falmouth harbour.¹⁹³

Losses suffered through seizures could soon be made good, cutters and cargoes were insured and those who ordered the contraband were expected to pay, whether or not the goods arrived. Even so, the costs in terms of lost trade and disappointed customers needed to be considered, which helps explain the determined resistance against the Customs and Excise cruisers and the naval sloops and men-of-war. Whatever the smugglers' advances in business acumen, their adoption of conventional commercial practices, and the penetration of legal markets and distribution networks, the contraband trade still relied on armed men and armed cutters.

A dossier of the blood spilled over the decades in defence and defiance of the revenue has a certain grim fascination in its own right. It also casts doubt on McLynn's claims respecting the atypical purposive violence of the Sussex smugglers in the 1740s. but it is difficult to explain some of the incidents solely in terms of the smugglers safeguarding their interests. Some of the opposition encountered by the revenue authorities is hard to distinguish from other forms of popular protest. When a smuggler was shot at Deal, trying to escape the boat from HMS Scout, the whole town was set on exacting revenge. The wounded man was brought ashore and:

carried through the Town in procession with his shirt all over Blood to excite resentment and indignation against the Scout; the cry then was, the Captain is on shore, let us Murder him; happening to be near the Custom house I got into the Collector's house and sent out my friends to learn the State of the Town, who upon their return informed me that every avenue was regularly beset and every house guarded where they suspected I should go to, and that they were determined to Murder me. And those of the Scouts Boats coming on shore to endeavour to get me off was attacked with Stones which wounded the Officers and others of the Crew. When they launched their Galleys to endeavour to cut them off from the Ship, but were prevented by the other Armed Boat who went to her assistance, I then endeavoured to get a Custom house Boat to carry me off, but it was impossible.¹⁹⁴

Captain Lindsey made his way to Dover by post chaise, and so managed to get back to the Scout. In subsequent encounters the Wasp and the Scout were fired on by a cannon the smugglers had brought down to the beach, and the seizure of a lugger was stopped by, 'a vast number of the inhabitants of Deal assembled with firearms to oppose the officers and men.'¹⁹⁵ Neville Williams argued that a punitive action against the Deal smugglers in 1785 taught them a lesson, but there was little evidence of any slackening in activity at the time, and there was another major riot in 1801 when the Tartar's boat tried to seize a lugger at North Deal.¹⁹⁶

Explicit connections between smuggling and social protest were rarely made at the time, but the third Duke of Richmond, dealing with the Sussex militia riots in 1778, linked them to the smugglers. There were no 'persons of consequence

on the connections between crime and social protest certainly raises questions about the definition of crime and the extent to which it is a social construct. It is necessary, as Clive Emsley says, 'to understand how crime was defined by the relevant institutions of the society experiencing it.' It is also useful to trace the connections between ideology, the framework of law and regulation, and the practical problems of policing. Defining crime as 'behaviour violating the criminal law' has the advantage for the historian of relating behaviour to laws in force at a particular time.¹⁹⁹ But as Emsley points out, such a working definition has its limitations. It gives little indication of the need for those entrusted with law making and law enforcement to be sensitive to the different perspectives in society. Policing was far from being a simple process of prevention, prosecution and punishment. Eighteenth-century smuggling, linking such diverse elements as the great companies trading in the world market and the marginal communities of England's heaths and woodlands, serves well to bring out the complexities of law enforcement. What is apparent is that judgements of what made an offence grievous or venial did not rest on the extent of the violence which accompanied it. Nor were there clear distinctions in attitudes and social mores between governors and governed, prosecutors and offenders, smugglers and revenue-men. The survival of judicial torture, in the form of 'pressing' when the accused refused to plead, burning for petty treason, keel-hauling and flogging in the armed services, and the

squalid brutality of the gallows, all suggest a society where violence was entrenched and institutionalised. The smugglers use of the carbine, the cutlass and the club might be seen as the continuance of trade by other means. Commercial imperatives dictated tactics throughout the century and in all areas where illicit importation flourished. Against this rather detached analysis, it is essential to reiterate some of the realities of smuggling. Intimidation might be a calculated means of deterring the revenue officers from interference, or it could stem from a vicious nature, it might even be an aspect of class war. Smugglers can be seen as protectors of their own financial interests, defenders of the local economy against metropolitan capitalists, or as both victims and villains trapped in a cycle of feuds and vendettas. Not all violence is mindless, but neither should the rationale for terror obscure the brutality of its execution, or the fact that some of its perpetrators were sadistic drunks. Even if some of the smugglers' actions might be interpreted as rebellion against a stratified society and repressive authority, it is doubtful whether their half-hung or half-drowned victims would have shown any sympathy for their attackers' problems of social adjustment.

Notes to Chapter Three.

1. Frank McLynn, Crime and Punishment in Eighteenth Century England, (1989), pp.196.
2. J.M.Beattie, Crime and the Courts in England, 1660-1800, (Oxford, 1986), p.138.
3. E.P.Thompson, Whigs and Hunters, (1975), p.193.
4. P.R.O HO 35/5, January 18, 1784.
5. D.Hay and others, Albions Fatal Tree, (1977), p.14.
6. L.Stone, 'Interpersonal Violence in English Society, 1300-1980, Past and Present, No. 101, (Nov. 1983)
J.A.Sharpe, 'The History of Violence in England: Some Observations, Past and Present, No. 108, (Aug. 1985).
7. Thompson, 'Whigs and Hunters', p.193.
8. Cal Winslow, 'Sussex Smugglers', in, D.Hay and others, Albion's Fatal Tree, p.121.
9. W.D.Cooper, 'Smuggling in Sussex', Sussex Archaeological Collections, (1858) p.11.
10. Paul Muskett, 'Military Operations against Smuggling in Kent and Sussex, 1688-1750, Journal of the Society for Army Historical Research, Vol. LII, No. 210, (1974) p.91.
J.Haynes, 'Great Britain's Glory: or an account of the great numbers employed in the Woollen and Silk manufactures', in, English Wool Trade, Select Tracts, (Farnborough, 1968) p.24.
Cooper, 'Smuggling in Sussex', pp.11-12.
11. Calendar of Treasury Books, Sept. 10, 1663. See also, CTB, March 18, 1660/1, Aug. 5, 1662.
12. Haynes, 'Great Britain's Glory', pp. 63-4.
13. Muskett, 'Military Operations', pp. 95-6.
T1/86, June 8, 1703.
Paul Muskett, 'Deal Smugglers in the Eighteenth Century' Southern History, Vol. 8, (1986), p. 49.
14. SP 35/78/132, The Originall Rise, Progress and present State of (those Enemies of England) the Owlars.
15. SP 35/78/132.
East Sussex Record Office, Collier Papers, SAY, 257, 259
Paul Muskett, 'Gabriel Tomkin, Sussex Smuggler', Sussex History, Vol.2, Nos. 2 & 3, (1981, 1982) pp. 8-17, 19-27
Paul Monod, 'Dangerous Merchandise, Smuggling, Jacobitism and Commercial Culture in South east England, 1690-1760, Journal of British Studies, 30, (April 1991) pp.150-182
SAY 334, Rex V Thomas Chandler et al; Monod argues that the Mayfield gang were concerned, but none of those named in the indictment can be tied in with incidents where the Mayfield gang were identified. The link between the Blacks and smuggling was suggested by Eveline Cruickshanks and Howard Erskine-Hill, 'The Waltham Black Act and Jacobitism' Journal of British Studies, 24, (1985) pp.358-365.

- 16.SAY 266.
Muskett, 'Gabriel Tomkin', p.10.
17. T1/202, June 20, 1716, SP 36/161/531.
18. SP 35/19/1 Dec. 2, 1719.
19. Ibid.
20. Ipswich Journal, Oct. 4-11, 1729.
21. SP 36/26/173, March 30, 1732.
Muskett, 'Deal Smugglers', p.50.
22. The Report, with the Appendix, from the Committee of the House of Commons appointed to enquire into the Frauds and Abuses in the Customs to the Prejudice of Trade and Diminution of the Revenue, 1733. p.1.
CUST 41/42, King V John Bowra, King V Thomas Gurr, King V Isaac Pope, King V Thomas Ward.
23. Winslow, 'Sussex Smugglers' pp. 136-7, 160-65.
F.F.Nicholls, Honest Thieves, (1973) pp.88-176. Nicholls says the authorities delayed, but see SP 36/106/121-4.
- 24.Nicholls, 'Honest Thieves', pp. 140-7.
- 25 Old Bailey Proceedings, December, 1747, trial of Peter Tickner, pp. 19-26.
Ipswich Journal, Feb. 16, 1745, June 6, 1747. The 1745 report noted the drowning of Peter Floyd, one of the captured officers but this was never mentioned in the trial record.
26. G.T.Williams, Historical Records of the XI th Hussars, 1715-1908, (1908) p 30. A hundred men were ordered to Shoreham.
27. McClynn, 'Crime and Punishment', p. 186.
28. Winslow, 'Sussex Smugglers', p.155, and see Notes to the Introduction, No. 44.
29. T 11/23/302-3, Dec. 23, 1747.
30. London Gazette, Oct.24, Nov. 3, 1746, Jan. 7, Feb.11, April 18, 1747.
CUST 51/25, Nov. 25, Dec. 22, 1746, March 29, 1747.
Sayers TS. March 7, 1746/7, Ketcherell to Collier.
31. CUST 51/25, April 7, 1747.
32. Kentish Post, Aug.1-5. 1747 contains the Ordinary of Newgate's account of John Cook's confession.
33. CUST 51/25, April 2, 1747,
London Gazette, June 6, 1747,
34. Sayers TS, April 5, 1747.
35. Winslow, 'Sussex Smugglers' p.144
36. Collier TS, pp. 243-4.
37. The Trials of the Smugglers and other Prisoners at the Assizes held at East Grinstead, (1749) p.4.
Kentish Post, Aug.1-5, 1747.
London Evening Post, June 18, July 14, 1747,
Sayers TS, Dec. 31, 1747.

38. London Evening Post, Aug. 6-8, 1747. This edition carried report that letters had been sent to the editors of newspapers by some Norfolk and Suffolk smugglers 'Threratening destruction if they published anything in their newspapers reflecting in the least upon smugglers'.
39. Kentish Post, Jan. 18-22, 1746.
40. Ipswich Journal, Jan. 1, 7, 14, 1744, Feb.16. !745.
41. Collier TS, pp.233-242. This sumarises incidents from April 1743 to March 1744. SP 36/41/136-140 provides a similar overview for Sussex.
- 42.Sayers TS, Oct. 17, 1743.
43. SP 36/41/136-140.
44. CUST 97/347, May 29, June 4, 1717. Collector to Board, Aldeburgh.
45. CUST 97/347, June 18, 1718.
46. Neville Williams, Contraband Cargoes, Seven Centuries of Smuggling, (1959), p. 100.
47. SP 35/21/59, Information of Peter Harrold.
48. CUST 97/347 March 4, 1719/20
CUST 97/4, June 8, 1720.
49. SP 35/52/29. For other examples, see SP 35/56/11 and Ipswich Journal, July 17-24, 1725.
50. CUST 97/5, June 16, 1727.
51. CUST 97/6, June 13, 1729. In 1731 Joseph Southgate, commander of the Walpole Customs sloop, was ordered aboard a French shallop in Holkham Bay, 'and swore if this Dept. did not come on board...they would board the Walpole Sloop and their Men should strip this Deponent and his Company and use them at their pleasure.' Southgate complied, but did not have to sacrifice his reputation.
- 52.CUST 97/347, Dec. 16, 1719.
53. ADM 1/3865, Aug. 16, 1732.
1733 Report, p.87, CH 41/20 Oct. 2, 1733. For earlier examples of armed gangs on the Suffolk coast, see CUST 97/347, Jan 5, Feb. 12,1719/20
- 54.CUST 99/2, May 17, July 12, 1729.
55. CUST 97/8, July 16, 1734.
56. T1/279, Sept. 29, 1732. CH 1903, Sept. 29, 1732.
57. CUST 97/8, June 24, 1734.
58. T1/261, July 19, 1727.

59. CUST 99/1, March 13, April 3, June 12, July 1, 1725
CUST 97/6, Jan. 1, 1728/29, CUST 99/2, May 17, July 12,
1729, Jan. 6, 10, 20, 1730/31.
60. CH 41/25,
Ipswich Gazette, Feb. 8, 1735.
61. T1/288, April 26, 27, 28, 1735, Examinations of James
Goss and William Meadows, evidence of Oliver Newby.
Ipswich Gazette, April 26, May 17, 1735.
62. T1/236/239, Dec. 4, 1721.
63. CUST 97/12, Nov. 16, 1742. For the earlier impressment
of Dyball, see CUST 97/12, Oct. 16, 1742 and E.E.Hoon,
The Organization of the English Customs System, 1696-1786,
(Newton Abbot, 1986), p.233.
64. CUST 97/13, Feb. 28, 1744/45, CUST 97/13, June 13,
July 8, Oct. 23, 1745.
Ipswich Journal, March 9, 16, April 6, 1745.
65. Old Bailey Proceedings, Sept. 8-10, 1748, trial of
Robert Cunningham, pp. 256-59, July 3-6, 1751, trials of
John Pauling and Sam Eager, pp.252-4, Sept.11-18, 1751,
trials of Edward Brook and John Carbold, pp.264-7.
66. F.McLynn, Crime and Punishment in Eighteenth-Century
England (1989) pp.186.
67. Old Bailey Proceedings, Sept.11-18, 1751, trials of
Edward Brook and John Carbold, pp.264-7.
Ipswich Journal, July 18, 1748,
London Gazette, July 14-18, 1748,
H.Hatton and H.H.Holland, The King's Customs, Vol. 1, (1908)
p.465.
68. SP 36/106/257, April 16, 20, 1748.
69. T1/342/20-22, John Polhill's petition, July 14, 1750.
70. SP 36/117/118.
71. SP 36/107/293, July 11, 1748, SP 36/107/266,
CUST 97/14, July 6, 1748.
72. British Museum, Add MS. 32718, f.29, May 8, 1748.
73. Add MS 32717, f.575.
74. CUST 99/2 Nov. 1733, CUST 97/9, July 7, 1735,
T1/295, March 1737.
Nicholls 'Honest Thieves'pp.58-60
75. P.R.O High Court of Admiralty, HCA 1/57, Nov.26, 1737,
examination of Nicholas Edsall. The authorities seem to
have been uncertain as to his correct name.
76. ADM 1/4284, July 31, 1734.
77. Ibid.
78. ADM 1/2243, Captain Oliphant's letters, Aug.2, 1734,
CUST 97/9, Feb.2, 1735/6, May, 1736,
Atton and Holland, 'The King's Customs', p.243.

79. Typescript, Customs House Library, B.R. Leftwich, Selections from Customs Outport Records, East Coast, Kings Lynn, Board to Collector, Dec. 29, 1739.
80. ADM 1/4284, May 26, 1741.
81. Ipswich Journal, July 18, 1741, Leftwich, 'Selections' Board to Collector, Colchester, Aug. 18, Sept. 17, 1741.
82. Sayers TS, July 16, 1743, T1/319, July 10, 1743, SP 36/62/37, July 18, 1743.
83. ADM 1/4284, Nov. 11, 1743.
84. Ibid.
85. Collier TS, May 5, 1744. Ipswich Journal, March 31, 1744, ADM 1/1884, Captain Hardy's letters, March 24, 1744.
86. Collier TS, April 31, 1744.
87. Calendar of Treasury Books and Papers, 142-45, p.679, March 30, 1745. CUST 97/13, Nov. 10, 1744, Jan. 1, 1744/5.
88. CUST 97/10, April 29, 1737
89. CUST 97/10, May 21, 1737, ADM 1/2243, Captain Oates's letters, May-June, 1737, CH 81/16, Johnathon Pixley's information.
90. CH 41/24, April 4, 1737.
91. Add MS 32697, f. 19, f.289, f.394, ADM 1/3865, Dec. 15, 1746. Sayers TS, Aug.1, 1741 CUST 41/42, King V Grayling.
92. Hoh Cheung and Lorna H Mui, 'Trends in Eighteenth-Century Smuggling Reconsidered', Economic History Review, 28 (1975) p.39.
93. Commons Journals, XXV (1745-50) p.102.
94. Ibid, p.105.
95. Treasury Letter Book, Customs, T11/23 pp.102-3, 233-4
96. Ibid.
97. PC 1/6/1 An Act for the further Punishment of Persons going armed or disguised, in Defiance of the Laws of Customs or Excise.
98. Winslow, 'Sussex Smugglers', p.135.
99. Add MS 32711, ff. 90-91, May 19, 1747.
100. Add MS f.167, May 29, 1747.
101. Winslow, 'Sussex Smugglers', p.121.
102. Graham Smith, Something to Declare, (1988) p.42. CUST 99/2. Jan. 6, 10, 20, 1730. The smugglers did not remain at liberty for long. In 1735 six smugglers in the Fleet prison and Mann Greetham, in Newgate, petitioned Admiral Wager for his assistance. Most had been detained for the past four years. SP 36/34/49.

103. McLynn, 'Crime and Punishment', p198. McLynn cites as evidence the single incident at Elmer Sluice, but does not explain the link with economic hardship. The idea of a connection was advanced by Walter Shelton, English Hunger and Industrial Disorders, (1973) pp. 135-6.
104. Edward Vernon, Seasonable Advice, (1757), pp.108-9, John L Bullion, A Great and Necessary Measure, George Grenville and the Genesis of the Stamp Act, 1763-65, (1982), pp.52-8.
105. .Hoh Cheung and Lorna H Mui, 'Smuggling and the British Tea Trade before 1784', American Historical Review, Vol. LXXIV, Oct. 1968, p.45.
106. Muskett, 'Deal Smugglers' pp. 49-50, CH 39/2.
107. St James Chronicle, Oct. 4-6, 1764.
108. ADM 1/4286, Sept. 7, 1764, evidence of Henry Prettie, ADM 1/4286, August 1764, evidence of William Pounteney, William Nelson and Evan Thomas.
109. N.S.Tucker, ed. The Jenkinson Papers, (1949), pp.323-5.
St. James Chronicle, Sept. 18-20, Oct. 4-5, 13-16, 1764, ADM 1/4286, Sept. 11, 1764, George Litchfield's report,
110. ADM 1/4286, Sept. 15, 1764.
111. St James Chronicle, Aug. 27, Sept. 7, 1764.
112. T1/441/426-8, Nov. 14, Dec. 11, 1765.
113. Ibid.
114. Muskett, 'Deal Smugglers' pp. 54-6.
John Winder was tried at the Kent assizes, and acquitted, Kentish Gazette, March 28-31, 1772. Claims that juries were totally hostile to the revenue services need to be scrutinised.
115. Muskett, 'Deal Smugglers', pp. 54.6.
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as early as the 1730s. See CH 41/64 and CH 2570, May 18,
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128. Atholl Papers, AP 40B-24.
129. Tl/434/59, Tl/434/60
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141. Norwich Mercury, March 3, 1781,
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Kentish Gazette, May 20-23, 1778. In the encounter with Brown, one officer was shot dead and two injured.
143. CUST 99/8, April 23, 1768.
144. CUST 60/2, March 25, 1765, Collector to Board, Poole.
145. CUST 95/19, March 7, Oct. 3, 1768.
For developments in East Anglia in the 1760s, see
CUST 97/19, July 2, 1765, March 10, 11, 16, Nov. 30, 1767, Jan.2, 1768.
For the killings on Hopton beach, see Chapter Two, pp.140-142.
146. Norwich Mercury, Oct. 27, Nov. 10, 1770.
147. KB 32/1, June 8, 1779,
Norwich Mercury, May 21, 1779.
148. CUST 99/10, May 7, 1778.
149. KB 32/1 Aug. 22, 1772, June 26, Sept. 27, 1777.
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Kentish Gazette, Jan 12-15, 1779.
150. Cust 99/10, April 10, 1779.
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151. CUST 99/10, Nov. 1, 1778,
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154. CUST 97/22, March 5, 1778, and see CUST 97/23, May 16, 1778, for an attempt by a smuggler to impress a crewman from the Hunter, intercepted at sea.
155. CUST 97/25, Oct. 11, 1783.
156. P.R.O Privy Council papers, PC 1/12/25, June 17, 1780, CUST 97/24, Oct 23, 1780.
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157. CUST 97/22, March, 1778,
Norwich Mercury, June 30, 1780 for a joint seizure netting 1000 gallons of spirits. Three smugglers were reported killed.
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at their call which are furnished by those who have
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162. CUST 89/5, Nov. 10, 1775.
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186. SP 37/12/212-3, March 4, 1778.
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Chapter Four

The Army as a Police Force

I

The Need for Military Intervention

Mainland Britain has five thousand miles of coastline while the regular peacetime army stationed in Britain numbered between ten and fifteen thousand men. In J.A.Houlding's words, 'Wherever there are coasts there were smugglers; and we can safely assert that smuggling was one of the occupations that, next to agriculture, employed the greatest number of eighteenth-century Englishmen.'¹ It would have been possible to have stationed two or three soldiers to guard each mile of the foreshore, but to little purpose, even in the unlikely event of the whole of the home army being committed to coastal duties.

Parliamentary Acts passed in Charles II's reign authorised revenue officials to apply for military assistance against owlers and smugglers, without first obtaining a magistrate's warrant, and they showed no reluctance in seeking help. Armed smuggling gangs were a real threat and the question was not so much whether the army should be called in, but how best the soldiers might be used if local commanders were ready to co-operate. John Strode, Lieutenant Governor of Dover Castle, was prepared to turn out the garrison, but they were under constant surveillance by the owlers:

so that if the gates be opened they take the alarm and return their wools to the houses, and pretending to be woolcombers and weavers, it cannot be seized there, though they hardly make a piece a year.²

The trade in contraband wool was flourishing all along the coast from Sandwich to Newhaven, the smugglers grown so formidable that 'no one dare meddle without five files of soldiers.'³ As early as 1669 the Dover officers were proposing that military detachments be stationed in every village along the coast, with regular patrols by day and night.⁴ Detachments were appointed to coastal duty in James II's reign, but there were claims of collusion between the soldiers and smugglers.

What assistance they gave was chiefly to the Owlars, who bribed them to connive at the Exportation of the Wooll: Nay, there is good ground to believe that they not only conniv'd at the clandestine Practice, but left their Stable doors open, upon compact with the Exporters, to give them an Opportunity of making use of their Horses in the Night time, for conveying the Wooll to the Seaside, where the Shallops lay ready to receive it.⁴

Henry Baker, Surveyor-General for Kent and Sussex, argued successfully for an organised landguard in 1698. Riding Officers had been appointed six years earlier, but they were seen as provisional, a poor alternative to the cruisers forced to remain in port by French privateers. Baker wanted to recruit more Riding Officers, with military detachments deployed to support them. An Order in Council instructed the commanding officers at Canterbury and Ashford to respond to any request from the Surveyor-General or his deputies,

and parties of dragoons from the Queen's Regiment were based at Folkestone, Dymchurch, New Romney, Lydd and East Guildford, a total of twenty men. There were a few occasions when the soldiers assisted in making seizures, but when they were withdrawn in 1706 neither the Kent Customs officers nor the Commissioners called for their reinstatement.⁵ Illicit trade revived as the war drew to an end and armed smuggling was a problem again in 1713-14 as revenue officers came under increasing attacks. Major Saxeby, Baker's successor as Surveyor-General, reported large gangs on the south coast in 1716, sending out raw wool and importing French brandy and silks. The Riding Officers were intimidated and the smugglers 'living at free quarters wherever they pleased.' Saxeby drew attention to the smugglers' Jacobite sympathies and three troops of Gore's Horse were ordered into Kent and Sussex and the following year 297 officers and men from Wynn's Dragoons were sent to perform coastal duty in Sussex alone.⁶

There were 32 dragoons quartered at Halesworth and Harleston in 1732, intended to provide support for the revenue but located some way from the Suffolk coast.⁷ After the failure to intercept the smuggling party at Benacre that year, the Southwold Collector argued that 'had we had the liberty to remove the Quarters of Ten of the Dragoons as we desired...we might in all probability have had the greatest part of between Thirty and Forty hundredweight of Tea.'⁸ Samuel Jacombe reckoned another 52 soldiers were needed in the county, based nearer to the Riding Officers

and John Cornelius, his Ipswich colleague, proposed detachments be sent to Leiston and Southwold, but in spite of the 'several gangs of strange and unknown smugglers' haunting his own port and threatening the officers, Cornelius did not believe that soldiers would be of service there.⁹ Four dragoons were quartered in Southwold in 1734, and took part in some substantial seizures, but there were still no troops at Yarmouth. Having soldiers on call was not enough. A careful operation, involving Riding Officers, the crew from the Customs smack, and the dragoons from Halesworth, still failed to produce more than 160 lbs of tea, taken from a pair of smugglers who had become separated from the main body. Jacombe argued that with more soldiers on the coast 'we should with more assurance have expected success,' but there was no prospect of covering the whole East Anglian shoreline.¹⁰

Ninety dragoons from the Queens Own Regiment were sent into Norfolk in 1735. There were frequent reports of gangs between 20 and 40 strong, and Valentine Bayles, Inspector of the Riding Officers, described how he had tracked the smugglers well inland. Yet some of the detachments saw little active service. 263 men from the 4th Dragoons were based in Norfolk and Suffolk, but in 1743 the commissioners were informed the soldiers at Kings Lynn 'had not been called out by the officers on the smuggling account for several years past.'¹¹

Kent was beset by smugglers in the early 1740s but only 39 dragoons were assigned to coastal duties in 1742.¹²

There were nine infantry companies, but the revenue officers doubted their utility. When three regiments of marines were sent into Romney Marsh early in 1744, Mr Clare, the Hythe Supervisor, expressed his preference for dragoons, with at least a hundred of them deployed at Lydd, Romney, Dymchurch and Hythe:

Unless I have a number at first sufficient to make head against such numbers as there are, and so well armed, I should be only the cause of men coming on the coast to be knocked on the head, which will make them [the smugglers] more insolent than they are now.'¹³

Two more cavalry troops and an infantry company were quartered in Sussex in 1743, though a year later Battine was requesting more troops within his survey while Collier was saying Kent needed at least 200 dragoons. Battine was told the only way the force in Sussex could be reinforced would be to deplete the establishments in Norfolk, Suffolk and Kent.¹⁴

The Gentleman's Magazine described the affray at Elmer Sluice, when Thomas Cole was killed, as 'the first material resistance' by Sussex smugglers since the Special Commission at Chichester eight years earlier.¹⁵ There had been a number of incidents in Kent, though firearms had not been used, and gangs of smugglers were active on the Hampshire and Dorset coasts in the later 1750s.¹⁶ Calls for additional military help, or the restoration of detachments moved elsewhere, became more frequent over the following decade.

By the early 1770s, the War Office was inundated with letters from both Customs and Excise officials. In 1769, Richard Baker, a revenue official in Norfolk, felt 'a few soldiers,' would suffice to disperse the gangs around Happisburgh. Two years later he was requiring 50 men to be stationed at North Walsham, Heacham, Hunstanton, Thornham and Cley. The Riding Officers along that stretch of coast were not even attempting to make seizures, and dared not execute warrants without having a military escort.¹⁷ The officers in Sussex were pressing for more troops at Rye, Hastings, Eastbourne and Winchelsea, to round up the Bourners and their piratical confederates. Yet when a full troop of Iniskillings was quartered at Hastings, Edward Milward complained that this was more than were needed by the revenue. As the dominant figure in Hastings political life, Milward was probably under pressure to get the detachment reduced. Richard Hughes proposed a troop of dragoons at Poole and Christchurch, conducting day and night patrols to check smuggling on both sides of the harbour. Four months later, faced with a large gang running goods out of Purbeck, the Riding Officers were complaining that the commanding officer at Blandford would not provide any support, having 'no Orders to let any of his Men go.' There was little the revenue officers could do 'unless they could be assisted by a Military Force.'¹⁸

By the end of 1771 the Poole officers were reporting 'great and desperate Gangs of Smuglers that run vast Quantities of Goods on our North Shore,' and asking that the dragoons at Wimborne be given orders to provide assistance, 'which we are of Opinion will in a great measure put a Stop to the atrocious & daring Attempts of the Smuglers & enable the Officers to do their duty with more Security.'¹⁹ Soldiers were sent to the coast, only to be removed in the autumn of 1774. Customs and Excise officers reported that while they had not seen the crews of the smuggling cutters bringing firearms ashore:

we do not see they have any Occasion for them, the land Gangs being so very numerous who have all great Sticks or Horse Whips with Lead or Iron at the Butt End, that it is very dangerous for a small Party of Officers to attack them or their Goods and since the Party of Dragoons that were lately quartered on this coast have been ordered off the Smuglers are become more insolent than ever.²⁰

The problem of large armed gangs was not confined to the coast. The Excise Commissioners, having collated reports from different collections, reported that although the smugglers separated as they moved towards London, they were still riding in parties 30 and 40 strong. The officers put their lives at risk if they tried to intercept them, 'and when they apply for the assistance of the Soldiers quartered in the Neighbourhood, even then they are seldom a match for the Smugglers.'²¹ Revenue officers at Croydon, East Grinstead, Dartford and Sevenoaks had all asked for support, one going so far as to specify the need for light cavalry, 'Mr Tankard having represented that the Heavy Cavalry are not fit for this service.'²²

The Excise Commissioners asked for 594 cavalry and infantry to be stationed along the south coast from Kent to Dorset, but suggested 137 would be enough to cover Norfolk, Suffolk and Essex.²³ The Secretaries of State and the War Office were unwilling 'to order any Parties of Dragoons to the Neighbourhood of London for the purposes of supporting the Officers of the Revenue.'²⁴ Stockwell was an established smuggling centre, a depository for contraband due to be sold to London dealers. 'Master smugglers' maintained stables of horses and a number of riders who brought goods up from the coast:

These master smugglers do not only bring run goods on their own account, but they run goods for various tea dealers, mercers, haberdashers etc. on commission, that is, they have so much per cent upon the value for bringing them safe, and in case of loss, the carrier or master smuggler pays for the goods...so that the Stockwell smugglers are common carriers of run goods and from the long practice in this village, of the smugglers using it, and spending a good deal of money, all the lower clases of the inhabitants are become attached to them, and unitedly join in opposing the officers of the revenue²⁵

The officers could obtain troops to carry out searches and escort seizures, but the local people could be 'most amazingly violent,' and the excisemen dared not venture out after dark; still they could not secure a permanent military presence.

In 1772 there were just 552 horse and 104 infantry assigned to coastal duties from the Wash to Land's End.²⁶ The outbreak of the American War of Independence complicated the army's role as an anti-smuggling force. There were far more soldiers, an average of 108,484 for the years 1775-1784, but fewer were available for coastal duties.²⁷ Over those same years the smugglers perfected their tactics, strengthened their networks and systematically penetrated the legal market. Smuggling vessels sailed together for protection and their crews provided armed reinforcements for the riders and waggon trains carried thousands of pounds worth of contraband inland. Contraband was stored in underground caves in Dorset, ready to be 'carried off gradually as markets offer.' The Poole officers knew where the goods were, but needed a troop of dragoons to make any seizures since, 'The proprietors can in a very short time dispatch messengers into the Forest and other places, where large gangs of smugglers reside, and raise 200 or 300 men to rescue the goods.' The Collector wanted the commanding officer at Salisbury to supply 50 men on request, but only the officers to know the purpose, for the 'private men' would probably warn the smugglers.²⁸ From Hampshire there were proposals for 40 light horse at Ringwood and Fordingbridge on the edge of the New Forest, an area 'Infested with very desperate outlawed smugglers.' Upwards of 500 men had been seen 'escorting at one time...twenty waggon loads to the houses of capital smugglers.' The 10th Dragoons had given valuable service when quartered in Salisbury, but since their move to Dorset the revenue officers in Hampshire had been without support.²⁹

Large numbers of men, horses and carts were kept ready near the Norfolk coast prepared to load up goods and drive south for London. The waggon trains would run for 30 miles at a time, with fresh horses waiting at the relay stations; a cargo could be moved '80 miles from the sea in one night time.'³⁰ In Sussex, gangs of 400 men were running goods at Shoreham in broad daylight, but the nearest dragoons were at Lewes, twenty miles away. Riding officers at Arundel reported smuggling parties between 200 and 300, and those passing through Horsham were 'so numerous and so resolute' they terrorised the revenue-men.³¹

The Secretary at War was no longer receiving requests for small detachments. Thomas Clamtree, writing from Colchester, wanted 70 dragoons for the 30 miles of shore between the rivers Stour and Colne. Clamtree attributed the increased activity in his area to outsiders 'from distant parts where Military is stationed, having to avoid the same, taking the advantage of coming and assembling on this coast.'³² Richard Powell, Ipswich Collector of Excise, proposed a minimum of 160 men for Suffolk alone. Robert . Sexton, Supervisor of the Riding officers at Mundesley, asked first for 35 men to guard the coast from Caister to Cley, which would have been one man for each mile, then raised the figure to 80. Sexton maintained that every officer needed an escort of six soldiers to effect seizures and that was not always enough. Robert Bliss had three colleagues and six dragoons with him at Thornham when he was attacked on the beach by the owners of some contraband. He was left temporarily blinded as a result of blows to the head.

James Lea, the Dereham Excise officer, believed there were 200 smugglers involved in running goods from the north Norfolk coast and he wanted eighteen dragoons for his collection.³³ Efforts to check smuggling in Deal could provoke communal riots. James Heard, a London revenue officer and his two man military escort were mobbed when they tried to search premises suspected of harbouring contraband; Heard had to quit the town accompanied by nine dragoons. In 1771 the officers were claiming they could not do their work without military assistance. Requests for additional men reached the War Office regularly from both Boards, and by 1781 they were arguing for a full regiment of horse and supporting infantry to be stationed on the East Kent coast if the contraband trade was to be contained.³⁴ In Suffolk, the riding officers and boatmen at Southwold dared not carry their weapons when they went out on duty for fear of the smugglers' reactions. They were attacked if discovered watching a landing and any attempt at a boarding was repelled 'with force of hatchets and firearms.' Any seizures they made were only 'such small part as the Smugglers shall permit them.'³⁵

Requests for light cavalry to be deployed in full troops, and up to regimental strength, show the revenue officials had learned from experience. A military presence was not an effective deterrent in itself; speed, mobility and firepower were needed if the gangs were to be checked. The War Office had to give priority to defence matters

and threats to the stability of the state. There was a natural reluctance to commit the army to coastal duties on any regular basis in wartime, and while it is evident the revenue officials were anxious for military assistance, there were several factors limiting the army's effectiveness as a policing force against smuggling.

II

Practical and Political Problems of Military Policing

The usefulness of small detachments quartered in coastal towns and villages was questioned by contemporaries, aware of how the smugglers operated and the difficulties presented by coastal patrolling. The masters of the cutters and luggers were accomplished seamen and selected their landing sites with some ingenuity. Casks, bales and packages were carried up the steep cliff paths at Folkestone Warren and across the miles of intersecting dykes on Romney Marsh. Such runs required nerve, skill and exhausting labour; using different locations reduced the chances of intervention on the beaches, when the smugglers were most vulnerable, out in the open and probably dismounted. Once away from the coast, the gangs broke up into smaller groups, still able to defend themselves, but causing confusion among the preventive forces.³⁶ Their efforts to move inland quickly did represent a risk, since it could mean using established routes, where the riders might be ambushed. Military commanders often felt there was more to be gained by stationing troops and half troops along the roads leading to the sea than to have detachments of two or three men in every coastal town and village. At least there was then a prospect the soldiers would not be outnumbered.

John Girling, an army officer with experience of coastal duties in Kent and Sussex submitted a critical memorandum in 1716. The main bases at Canterbury Ashford and Lewes were too far apart for a decisive move against any large smuggling gang while the coastal detachments were too small. Quartered in public houses, private soldiers had 'all the opportunities imaginable of caballing with the smugglers.' Girling's solution was for the Customs Commissioners to purchase the inns, denying rendezvous to the smugglers and providing accommodation for a dozen soldiers under one roof, and subject to the authority of an officer or a sergeant on the premises. Overlapping patrols including soldiers and Riding Officers could be organised, making it possible to assemble an effective, mobile force at short notice. Major Saxeby, Baker's successor as Surveyor-General, did not dispute Girling's claim that collusion was taking place, instancing examples at Hastings and Eastbourne, nor that it was unfortunate the soldiers had to be accommodated in public houses, but doubted there would be any suitable properties on the market. He also questioned the effectiveness of constant patrolling along a coast broken by headlands, rockfalls, stretches of loose shingle, rivers and drainage ditches. Quicksands along the shore and warrens on the cliff slopes were a hazard for men and horses, while if the smugglers were to be intercepted or pursued, the revenue would need to establish control over the river ferries.³⁷

The framework for the debate on the pragmatic aspects of coastal duties had been established. Arguments were to revolve around the deployment of the soldiers, the maintenance of discipline, and the likelihood of corruption. The whole of the Sussex coast from Chichester to Rye was frequented by the smugglers, and 'every square foot needed to be patrolled.' There were 44 dragoons and 77 infantry stationed in the county in August 1740. The foot were all based at Lewes, Cliffe and Southover, too close together to present a serious impediment to the landing and running of goods on the coast, while the cavalry was distributed in detachments from two to seven men strong, the biggest contingent again located in Lewes. There were none on the coast between Eastbourne and Shoreham, a 30 mile stretch, and only two at Alfriston, situated on the road down to Cuckmere Haven, a favoured landing site.³⁸ This was well short of the number required given the accuracy of Houlding's description, and two incidents, both in 1740, indicated the dangers of the coastal duties. In the first week of September, four Customs officers and four of the 2nd Dragoons encountered 30 smugglers near Lancing, armed with 'broad Swords and long Staves who obstructed the Officers and Dragoons and wounded several of them.' The Commissioners wanted Battine to investigate the affair:

'particularly how so great a number of Smuglers could be lurking on the Coast by the Officers who ought to have exerted themselves for that purpose and applied to the Justices of the Peace to get them apprehended pursuant to the powers given to them by the late Act of Indemnity 9 Geo.2^d.

Neither the dragoons nor the officers were carrying carbines or otherwise 'prepared to defend themselves against the Smugglers' and the Commissioners wanted to know 'why the Officers did not provide Horses for the two Dragoons it being alledged their own were at Grass.'³⁹ Four months later, Thomas Carswell, the Hastings Riding Officer, called out the detachment stationed in the town and followed up an information of a landing at Bulverhythe. They tracked the marks of a number of horses as far as Hurst Green, where Carswell found 2000 lbs of tea concealed in a barn. The preventive party loaded the oilskin bags on a cart and set off for Hastings but had not gone far before they were surrounded by armed smugglers, who rode in close and began shooting. Carswell was killed on the spot, Corporal Finlater received eleven 'bullets or slugs in his head, shoulder, elbow and right side of his back' and James Crabtree was hit in the arm.⁴⁰ The patrol was then forced to return the cart to Hurst Green and unload the tea outside the Bull inn. The authorities were soon aware of the identities of the smugglers, but the one eyewitness available at the time 'was either bought off by the gang and sent out of the way, or otherwise destroyed by them.'⁴¹

There were times where the smugglers were routed and impressive seizures brought back to the King's warehouse, but military commanders felt the detachments could have been much better employed. The justices shared responsibility with the revenue officers for the quartering and use of

troops in aid of the civil power, but General Hawley blamed the Riding Officers for the mismanagement of the landguard. They withheld information from the military, and when applying for assistance, they 'don't like and never desire to have an Officer or non-commission Officer go with them' for that would have made it more difficult to lead the detachment away from the smugglers:

These fellows want the Men to be Dispersed in threes and fours at the Alehouses about the Country and to be at their disposal for two reasons, that by Money or Drink they may manage them as they will, first by getting them to Connive with them, secondly, if the fellows do take any seizure they give them Drink till they persuade them that their Share will come to but a fourth part of the value, and that their Officers always Cheat them, so they at last buy their Shares of them, as the Sailors used to sell their Tickets for a little money.

Small parties quartered in public houses were also more susceptible to bribery by the smugglers. Hawley wanted army officers to have independent authority to seize suspected contraband, the proceeds from the sale of confiscated goods to be distributed on a regimental basis, and more troops based inland, 'at proper passes and passages of Rivers,' where the smugglers might be more easily intercepted.⁴² Collier and Battine agreed the Riding Officers were intimidated by the smugglers, but as to the allegations of leading soldiers astray, they could not 'trace out anything material.' As far as the rewards for seizures were concerned, these were allocated in accord with the

Orders in Council issued in 1716, the Act of 1726, and the rules agreed by the Commissioners and the Secretary at War.⁴³ Soldiers were sent to assist the revenue officers, not to assume direction of anti-smuggling operations; the Surveyors-General noted the implications of any change in the existing relationship between military and civil authorities:

we humbly submit to your honours how far such a procedure will be consistent with our laws and the nature of our constitution, and are of opinion if put in practice will occasion great clamours in this country from persons not concerned in the detestable practices of owling and smuggling.

Nor could they see that moving detachments away from the coast would result in any increase in seizures on the roads to London. Preventive work depended on good information, local knowledge, and cooperation between the different bodies involved. Frequent movements of personnel, in an attempt to check collusion with the smugglers, would mean fragmentation and a loss of effectiveness.⁴⁴

Witnesses before the 1745 Committee maintained that the army presence in Kent and Sussex had resulted in more runs in East Anglia.⁴⁵ Hawley seems to have seen these movements as fortuitous, but Collier and Battine were well aware of the true situation:

'the dragoons being quartered but on part of the sea coast...will naturally occasion the owlers and smugglers to change the places where they carry on their infamous practices to avoid the officers of the revenue when they know there is a military force to assist them.'

Revenue officers and army commanders had different priorities. Hawley was concerned about discipline and the cost of replacing broken horses, ridden too hard and too far by drunken troopers in pursuit of phantom smugglers. The officials were more interested in the threat the smugglers presented to social order and government revenues.

A War Office memorandum on coastal duties, drawn up in 1784, did little more than reiterate General Hawley's criticisms. The soldiers were dispersed over too wide an area, making it difficult for the officers to maintain discipline; they were called out 'on every trivial or false information, and unable from the smallness of the Detachments to render any effectual assistance on any real occasion of importance.'⁴⁶ The War Office proposal was that no detachment should be smaller than a subaltern's command and an officer should always accompany them when out on duty with the revenue men. The outport officials maintained that what mattered was the immediacy of any response and the speed of pursuit. Concentrating the military in fewer bases, and insisting that officers were always present, would hinder operations and enable the smugglers to plan their routes with greater security.

The landing of the Cargo is regulated by Signals and secured by large Gangs of Men, armed chiefly with Clubs and heavy Whips, generally inflamed with Liquor, and assembled in such Numbers as to reduce the Revenue Officers to be quiet Spectators of the Proceeding: This is very generally the Case, except when the Revenue Officers can obtain the Aid of a large Military Force;- such Assistance,

in the present Establishment of the Army, must be extremely partial - it is quite inadequate to the Purpose of general and effectual Prevention - the Requisition is often attended both with Delay, and with some Notoriety:- and even when Aid is obtained upon an Information, it is generally frustrated; for the Scouts placed upon the Shore give Signals to the Vessels at Sea, which instantly proceeds, according to the settled Signal, to some other Place of Rendezvous, at 15 or 20 Miles Distance, and lands the Cargo in the Night Time.⁴⁷

There was general agreement that given the manpower to patrol the coasts, watch the roads leading to the main markets, and track down suspects, the contraband trade could have been checked. Just how many troops would have been needed to contain the smugglers is hard to calculate. 80 to 100 smugglers attacked the excisemen bringing a waggon load of tea and spirits back to Ringwood, leaving John Critchell 'weltering in his own blood and to all appearances dead'; the party of foot accompanying them had made no resistance. According to John Twentyman Collector of Excise for the Southampton district, the situation in the New Forest was out of control:

Smuggling is carried forward in this neighbourhood with an high hand, scarcely to be credited. The goods are brought from thesea coast, several gangs united, amounting to 4 or 500 men, escorting at one time upwards of 20 waggon loads to the houses of the capital smugglers near this town, it is then conveyed up the country by their respective gangs amounting to about six, eight or then men travelling with firearms: they pay no regard to the officers here, for they often pass through Ringwood and its environs in the day time.⁴⁸

The pleas from the Southwold Custom house were finally answered in 1783 when infantry and dragoon detachments were posted there. The sight of a uniform did not impress the freetraders, as was clear from this account by Sergeant Leach. He and three troopers from the 3rd Dragoon Guards were escorting the Riding Officers with a seizure of spirits:

In conveying them to the Custom House we were attacked by a Party of the most resolute Smugglers I ever saw. We were only 4 in number with 7 Revenue Officers, unarm'd except two, and surrounded with about 70 Smugglers or upwards, who first began to offer me Money to withdraw the Party. On my refusal they assembled together, and what passed I cannot say, but immediately after they began to wound the Officers and ourselves as much as they could, and attempting to take away our Arms, till at last we were obliged to fire upon them & retreat to prevent our being Murdered, in Consequence of which one Smuggler was killed on the Spot and two Horses wounded. Faux was wounded in the Head by a Blow he Rec'd from a Bludgeon & four Revenue Officers very ill used by Blows Rec'd from the same sort of weapons. I then got my small Party as close together as possible and Retreated. The Smugglers pursued us a Considerable way, with a resolution to Massacre the whole Party of Officers and Soldiers, but we outrode them, which prevented it.⁴⁹

Leach made no mention of the smugglers carrying firearms, but there was little the preventive party could have done if their adversaries had pressed home their numerical advantage. A few miles to the south, on Aldeburgh beach, a Customs officer and three dragoons found themselves surrounded by 40 or 50 men, 'who finding so few soldiers there, came up even to the Mouths of their Pistols, bidding them defiance, and refused to deliver their Goods.'⁵⁰

Seven men from the Earl of Albermarle's regiment tried to seize some brandy and tea from eight smugglers at Lancing. 'On which they began to attack the Soldiers...and James Mills says that he with a Stick knocked down Henry French, one of the...Soldiers, and repeated his blows several Times.' The other smugglers joined the attack on French and beat him to death. His comrades rode away. 51 Reporting on a number of affrays and rescues, the Commissioners of Excise indicated that the smuggling gangs were not deterred by military escorts. The Parliamentary Reports and the Commissioners described the armed strength of the smugglers and discussed the question of troop deployments, while commanding officers accused the Riding Officers of collusion and failing to make proper use of the military assistance available to them. The failings of some of the army officers did not receive the same public exposure. Speaking against the 1736 Indemnity Act, Philip Yorke gave an account of the position in France, where the smugglers were:

much more desperate than ours; for they march in little armies, are well armed and disciplined, and often engage in battle with the customhouse officers and their guard of Maltotiers. The gentlemen of the French army are indeed but seldom or ever employed in such exploits; they consider that their proper business is to defend their country against open and declared enemies; and therefore they think it below them to engage against Banditti, or to hunt after and guard criminals.' 52

The European officer corps, drawn from the landed elites, had much in common, including a certain distaste for the

mundane work of keeping the peace, even when it offered the prospect of realistic military training. There were commanding officers who did not regard coastal duties as a part of their proper functions, and others worried that the dispersal of regiments undermined discipline, or that unfortunate legal consequences might result from the military using force in aid of the civil power.

A frequent complaint from the revenue officials was that local commanders would not provide assistance when called upon. In 1746 the Yarmouth Collector was concerned that his officers would refuse executing any more writs against smugglers 'unless they have soldiers to assist them.' There were eighteen dragoons and a sergeant quartered in the port at the time 'but they say they have no orders to assist the officers of the customs on any occasion if they are called on...though the country swarms with smugglers.'⁵² There were general instructions for the military to respond to requests from revenue officers, but non-cooperation did not invoke disciplinary action. This unwillingness to exercise initiative featured at different levels within the army hierarchy, from a sergeant at Shoreham to General Parker, commandant of Warley camp in 1779; a militia officer at Poole would not provide 'a single man without an order from the War Office.' Regular patrols were set up in West Sussex in 1780, but they followed a strict schedule and would not deviate from it, even when the revenue officers had positive information about landings.

Commanders in Norwich and Holt refused assistance to Mundesley and Cley where smuggling cutters were putting in regularly, while the Norwich Collector of Excise was told the Board had to submit a memorandum to the War Office before troops could be used in the city.⁵³ Asked his opinion on the use of soldiers at Deal in 1784, Sir George Yonge repeated the long-standing Order in Council; 'The Military at Deal, (as at all other places) are ordered to give their assistance when called upon for that purpose by the Revenue Officers.'⁵⁴

It is possible there were military men unfamiliar with standing orders, but some were deliberately obstructive. In 1779 Stephen Marsh was running goods on the Suffolk coast at will; he had a 200 ton cutter carrying fourteen guns and a crew of 47. None of the revenue cruisers could stop him, so the Harwich Collector drew up a plan to tackle the smugglers when they came ashore, using 40 of the soldiers quartered in the town. When asked to assist, the commanding officer of the 25th Foot 'informed us that he had particular orders not to furnish any men to assist any officers of the revenue nor could he do it without an order from Lord Amherst or the Secretary at War.'⁵⁵

Once in position the military were likely to be called on to perform other duties in aid of the civil power, usually riot control. The 11th Foot were sent to guard the coasts of Cornwall and South Devon in 1736, but in May 1737 two companies were sent into Dorset and quartered at Poole and Wimborne Minister in expectation of food riots. Protests

did break out, but among the Cornish tinnners, so the regiment was responsible for coastal and riot duty in three counties stretched along 175 miles of southern England.⁵⁶ In 1740, units stationed at Beccles, Bungay and North Walsham were transferred to Norwich, Wisbech, Peterborough and Ely to deal with food riots.⁵⁷ The revenue officers in Norfolk and Suffolk made no objection at that time, but the different demands put on the military gave rise to complaints from Boston in the early 1770s. Three troops of cavalry had been sent to Boston in 1768, to deal with the fen enclosure riots but there was only one left in 1771. According to Captain Lion, he was faced with competing demands from the Collector of Customs and the town council, and felt the security of the town had to be given priority. Requests for a second troop to be assigned to coastal duties, went unanswered, and a few months later the commanding officer was refusing to assist the revenue without specific orders.⁵⁸ Intelligent deployment and good communications would have helped reduce the problems arising from lack of numbers but the army's contribution to the preventive forces depended on a variety of factors, military and non-military. The revenue officers wanted army support, but whatever the requirements of standing orders, and the protection afforded by the rulings of the Crown's legal officers, the soldiers had to remain alert to the sensitivities of the civilian administrators and the anti-militarist rhetoric which informed the discussion of the army's policing role.

Houlding describes the army as the object of extreme jealousy for a significant section of the political nation in eighteenth-century England, 'a creation of the central executive and an intrusive agent in the provinces...while among the public at large it was almost universally reviled.'⁵⁹ At the same time Britain was developing as a fiscal-military state and a standing army was a necessary instrument for the implementation of policy. The depiction of the provincial governing elites as locked into adversarial relations with central government and the military, has been questioned by John Childs. Discussing the late seventeenth-century Parliamentary debates on the military, Childs argues the disingenuity of those proposing the abolition of the professional standing army. 'Both the Restoration in 1660 and the Glorious Revolution of 1688 marked the recapture of the army by the gentlemen and peers and the latter event was to prove a permanent captivity.' The extensive campaigning of the 1690s had ensured that many men, from different sectors of society, had gained military experience and 'the anti-standing army lobby could do nothing to demilitarise the gentry and aristocracy.' At the same time, a 'fairly sophisticated society like England, with its increasing urban population, had to have a legalised means of coercion, there was no option.'⁵⁹ The policing role of the army might be better seen as an integral aspect of elite hegemony, rather than the introduction of an external and essentially alien force. Similarly, the presentation of central government and the political nation in the provinces as occupying opposing camps is unconvincing. The concept of a 'political nation'

rests on a perception of common interests and shared values. Kinship, friendship and clientage provided the essential linkages between the different governmental institutions in society. Army officers were the largest single professional group in the House of Commons and regimental colonels were well represented in the Lords.⁶⁰ Army officers and the more senior outport officials often served as justices of the peace, and the various positions held by John Collier, enabling him to serve the interests of Hastings, the Duke of Newcastle, and himself, have been discussed. Griffith Davies and his son Pelham were both Collectors and mayors at Harwich, where local politics reflected the conflict of interest between the packet boats and the preventive service.⁶¹ Constitutional principles could be invoked to screen more practical political considerations, as when troops were billeted in public houses and local notables had to deal with complaints. 200 dragoons were sent to Norwich in November 1737, to await deployment nearer the Norfolk coast. Thomas Vere, the mayor and an MP for Norwich, was soon asking that the soldiers be relocated as soon as possible, 'for the Number of Troops that are now hear are a grievous burthen to the Innkeepers & Inhabitants. And what is still worse the People in the Opposition Encourage the Innkeepers to Clamour against Mr Walpole and I as if we had been instrumental in bringing this Number of Troops into this Town.'⁶²

Paul Rock has described the army as 'a perceived threat to the position of the ruling and propertied class in their localities.'⁶³ This perception of aid to the civil power is hard to reconcile with the revenue officers' repeated calls for assistance, especially when their active involvement in local politics and administration is taken into account. What can be said is that government ministers preferred to distance themselves from some of the consequences of using the army for policing, evident in the lack of clear directions concerning the use of force. The 1716 Order in Council directed commandants to assist the magistrates and revenue officials in executing legal processes against smuggling, and in 1721 they were told to 'generally assist' the Customs officers, but there was too little precision.⁶⁴ Soldiers had no independent authority to search suspects or seize contraband until 1807, and the need for a deputation from the revenue commissioners gave some officers a pretext for inaction, insisting Customs or Excise officers should always accompany military detachments when an action was planned against the smugglers.⁶⁵ Under common law any person was not only legally empowered to use force in preventing a felony, but was duty-bound to make the attempt. Soldiers did not shed their civilian status in that respect, as successive Attorney-Generals made clear, but a coroner's jury would look at any unnatural death; if they decided murder had been committed, and named the culprit, the case would go to the assize court.

The Riot Act gave guidance on the use of force to disperse mobs, but adherence to its terms did not guarantee immunity from prosecution. Magistrates and army officers seemed unsure of their powers in employing troops to keep the peace, their uncertainty stemming from a knowledge of how the law worked in practice, and the contradictory advice emanating from the Crown's legal officers and the Secretaries at War. In 1717 the Attorney-General, Edward Northey, gave it as his view that soldiers had the authority to use arms to disperse rioters. Robert Raymond, his successor in 1722, believed the military might properly assist the civil power in suppressing riots, but should always be guided by the magistrates. Philip Yorke, when consulted in 1733, ruled that the soldiers were 'not to repel force with force, unless absolutely necessary.' Realising this would leave the decision to the military commander present, inviting attacks on the army's role, Sir William Strickland sent orders to officers commanding troops on riot duty that force was only to be used if 'required by the civil magistrates' or more emphatically, 'unless the civil magistrates conceive there is an absolute necessity for it and not otherwise.'⁶⁶ In 1735 Sir William Yonge tried to obtain a ruling that the local magistrate should take responsibility in the event of any repercussions from a clash between soldiers and smugglers. The Attorney-General would not co-operate and his 1733 memorandum was quite clear on this point:

Upon Consideration of the whole Matter, I entirely concur in Opinion with my Lord Raymond...that the Officers of the Troops and the Soldiers should be directed not to interpose at all in any of these Cases, but at such times as they shall be desired by the Civil Magistrate or Officers, in which Officers of the Revenue must be included in the Cases of running Goods.⁶⁷

Coastal duty could not be performed properly if troops had been told to requisition a fresh authority to deal with each new liquor run but the practice of issuing general orders for special purposes left the military legally exposed.⁶⁸ When General Williamson, commanding the garrison at the Tower of London, asked for clarification on providing escorts he was told that force should only be used to repel force 'if it shall be found absolutely necessary by the Civil Magistrate that shall be called upon that Occasion to the Assistance of the Officers of Our Customs.'⁶⁹ Yonge's caution was understandable; the Secretary at War was a junior minister, and the powers of his office depended upon the Secretaries of State. The law officers' rulings authorised the use of the army as a police force, and in practice very few soldiers involved in incidents where there were deaths or serious injury were convicted of felony, but each episode was dealt with separately and Philip Yorke exemplified the ambivalence at the heart of government when speaking in the debate on the 1736 Indemnity Act in the Lords. The statute provided greater legal protection

for revenue men facing possible felony charges; in future they were to be granted bail if a smuggler was killed resisting the officers in the execution of their duty and as assistants, soldiers would enjoy the same right as the Customs and Excise personnel. Yorke raised the spectre of military policing:

I am afraid this new favour may make them sometimes imagine that clubs, or even fists, are offensive weapons, and such as may be opposed by powder and ball; therefore I must think it of dangerous consequence to the lives of his Majesty's subjects; for in such a case I think, the proclamation against riots, ought, at least to be read, in order that those who are only lookers on, may have time to retire: And I can see no reason why officers, in such a case, might not have been left to the course of the common law.⁷⁰

III

The Effectiveness of the Military

Inadequate numbers, diversion to other duties, reluctant officers, suspect revenue men, hostile local communities, and legal controls limiting the application of military force, all suggest the army would have a limited impact on the smuggling gangs. However, there were other ways the soldiers might assist, other than by confronting the smugglers in the field. Suspects had to be arrested, detained, and escorted to the county gaols or to Newgate.

with proper authority. Charles Eversfield JP took such a dislike to this 'Wretch whose Original was a Dog Boy to a Gentleman' that he drove Rogers out with a whip.⁷³ Reprimanded by the Secretary of State, the Horsham magistrates supported Rogers and Jekyll, and these arrests served to remove the principal members of the Mayfield gang.

The 1746 Smuggling Act provided the army with greater scope. Once a smuggler was proclaimed, and forty days had elapsed from the date of proclamation, he was outlawed. There was no need for writs or peace officers in order to effect arrests. Rewards of £500 a head provided an incentive for soldiers, revenue officers, informants, and vigilante groups like the Goudhurst Militia and the Cranbrook Association. Not all smugglers commanded such high sums, but whereas the allocation of seizure monies was strictly regulated, the respective authorities do not seem to have decided just what was to be done about bounties. William Lisle, Supervisor of the Colchester Riding Officers, offered his services at a fixed rate, £12 a head for every suspect brought in, and whatever reward had been posted; that money went to his informants and military assistants. In one year Lisle picked up 40 smugglers, a credit to the concept of entrepreneurial policing.⁷³

Smugglers were being rounded up before the 1746 Act came into force. Fears of invasion resulted in an increased military presence along the south coast and smugglers were regarded as likely collaborators with the French. Six men were taken to Lewes gaol by a party of Royal Scots in

February of that year, and eleven were escorted from Hastings to Portsmouth by a detachment from the Royal Irish Dragoons.⁷⁴ As the number of smugglers listed in the London Gazette rose, so more outlawed men were taken into custody. Two Riding Officers and five of Hawley's dragoons arrested Jeremiah Curteis near Rye in May 1747. Such was his reputation that reports of smugglers gathered on Blackheath, preparing for a rescue attempt, were enough for the authorities to send the Tower garrison south of the river. Samuel Austen, another Hawkhurst smuggler, killed a sergeant before he was overpowered, shooting half his head away.⁷⁵ William Carter and William Jackson, wanted for the Galley and Chater murders, were brought in by a party of the 42nd Foot, and Hawleys Ist Royal Dragoons brought in John Cook and Richard Ashcraft, both 'notorious' smugglers.⁷⁶

Dragoon and infantry regiments were being put to the same use in East Anglia. There were occasional confrontations with armed gangs, when the revenue officers provided the necessary information to intercept them, but the smuggling network was being broken down by a series of arrests as individuals were picked up from their homes. Detachments from the 3rd and the Inniskilling Dragoons captured a number of those wanted in connection with the violent rescue of James Holt from custody. John Doe, Charles Gowan and John 'Giffling Jack' Carbold, all involved in running goods on the Norfolk and Suffolk coasts, were transferred to Newgate under military escort.⁷⁷ As an additional safeguard,

some smugglers were sent to London on board the revenue cruisers, accompanied by soldiers. Sam Wayman was arrested on an information from a trooper in the 1st Dragoons and sent to Newgate on the Yarmouth smack with six soldiers as a guard. His death before the trial provided the Commissioners with a pretext for withholding the reward money due.⁷⁸ A party from the 1st Dragoons was with Peter Goldsmith and Sam Chapman on the same vessel when Captain Barnaby:

Saw a boat lying alongside of a vessel, which put away from them towards the shore with two men in her, on which we gave chase, and call'd to the men to come on board, on their refusing, I ordered the dragoons to fire, which one of them did, and the boat lay by to be boarded, and therein we found brandy and other goods to a considerable value, which I seized and carry'd to the King's warehouse at London.

Barnaby paid the troopers half a guinea each, 'not apprehending they had been entitled to any further reward.'⁷⁹ It was as well Barnaby's order to fire was not tested in court. Against the many arrests and escort duties carried out successfully can be set a few examples of incompetence and corruption. Eight soldiers, closeted in a small room at a Yarmouth inn with a suspected smuggler could not stop John Crop escaping through the cellar door when it was opened by the house servant. When examined by the Collector, the soldiers claimed they had refused a bribe from Crop, and one of them blamed the escape on Naomi Wilson, 'a strong lusty woman' who had stopped him going after the prisoner.⁸⁰

Joseph Lanton was another suspect brought in for the murder of Thomas Carswell. A military escort was provided, but Lanton was left in the care of a single dragoon at the George, Battle. Given the freedom of the house and the negligence of his guard, Lanton simply walked away. George Walker, the Riding Officer with the detachment, was responsible for the lack of precautions, but the soldiers showed little sense, agreeing not to carry their firearms and leaving the prisoner to the care of one exhausted trooper.⁸¹

In December 1744 a gang forced their way into the quarters of a detachment near Hastings, took their weapons, 'and abused several of them.' The smugglers had ridden in fifty strong, in daytime 'with colours flying,' yet fourteen professional soldiers were seemingly taken unawares.⁸² A marine lieutenant disrupted the work of a revenue party in Hampshire, trying to search the house of a Captain Gwynn, commander of HMS Ambuscade. Gwynn had built up a fortune from prizes, but was not above making further profits defrauding the revenue. Officers were sent to check Gwynn's cellars at Upham, where they found a quantity of wines and spirits. Meeting resistance from Gwynn's servants and some workmen at the house, they went to Bishops Waltham to ask for assistance from Captain Imber, the officer commanding the marines there. Supported by a sergeant, a corporal and twelve marines, the revenue men returned to Upham, but they had to abandon their expedition when Lieutenant Morse arrived on the scene and ordered the marines off the Captain's property.⁸³

The War Office had to give priority to defence matters and there was some reluctance to commit the army to anti-smuggling duties in wartime, unless a threat of invasion necessitated a strong military presence on the coast. The militia, 40,000 strong in 1778-9, provided an alternative source of assistance to the revenue, but was far from ideal.⁸⁴ Richard Powell cited as one reason for the upsurge in Suffolk smuggling 'the improper troops that are now stationed on the coast, as those stationed there are a part of this county Militia, several of whom have been smugglers, and many of their relations and friends are still in that business.' Mr Bell, supervisor at Saxmundham, had seized thirty waggons loaded with contraband, but his militia escort, twenty well-armed men, did nothing to prevent a rescue, going off in company with the smugglers and leaving the injured excisemen behind.⁸⁵ Even when they were they were acting against the smugglers, the militia could prove a liability as a police force. Thomas Franklin was captured by a party of peace officers and a press gang at Thornham, wanted for the assault on Robert Bliss, the Excise Supervisor. Franklin's associates rescued him:

when he returned to his own house at which a wedding was celebrating; a party of the West Norfolk militia were shortly after sent for, who surrounded the house and demanded him to surrender; a confusion arose and by some means the word of command was heard by the militia to be given to fire...which they did, when one Nichols, a tailor, was shot through the heart and instantly expired; a woman likewise received a shot in her arm, and another woman was slightly wounded in the ear.⁸⁶

There were militia units who did useful service; Lord Sheffield, with experience of the Sussex militia, praised the former smugglers under his command and Captain John Maney of the 9th Foot, had no reservations in calling on the militia in Norfolk when he felt the need for reinforcements. One problem was that militia officers too often adopted the practices of their regular counterparts, refusing to assist without specific orders from the War Office.⁸⁷

Fencibles were regular army units established in the 1790s for home service in the duration. The revenue office had little confidence in them. The Ayrshire Light Dragoons performed service on the Suffolk Coast in the first half of 1798, and were then replaced by Suffolk Fencibles.⁸⁸ Jermyn, the Southwold Collector, was not impressed by the men or Edward Killwick, their officer:

amongst the Fencibles here are some very suspicious Characters that would rather assist the Smuggler than render the Revenue the least service, and we are well convinced have been, and suppose have not yet deserted the Smuggling business, and ought not to have been admitted into that Corps, by way of protection or any account whatever.⁸⁹

Two Fencibles were badly beaten and a third thrown into the sea at Dunwich when they set up a watch on 40 empty carts, reckoned to be there awaiting delivery of contraband from some cutters hovering off shore. Jermyn noted Killwick's convenient absence and pressed for regular soldiers, suggesting Sergeant Street, 'a Terror to the Smugglers'

when on the coast in 1784, be given command a special detachment; 'with only a Sergeant and Eight more, this Coast would soon be cleared of these Illegal Dealers.'⁹⁰ A troop of the 1st Dragoons was sent to Southwold but when they left Jermyn had to call on the local unit. His worries were compounded by the presence of some Folkestone Fencibles aboard a cutter lying out to sea. They had been seen landing 600 tubs of gin and were thought to be 'very dangerous people.' The Collector feared collaboraton between the Suffolk and Folkestone men, and felt it to be a great pity the fencibles were 'so indulged and protected' from the press gangs.⁹¹

Focusing on accusations of corruption and instances of incompetence can distract attention from the main issues. 'Will Washington take America, or the Smugglers England first?' asked Lord Pembroke in 1781; 'the bet would be a fair, even one.'⁹² Study of the army's actions against smuggling lends further support to the idea that the violence associated with the trade was more extensive and better organised in the 1770s and 1780s than it had been in the 1740s. The army found itself caught up in the complexities of policing as the smugglers met force with force and mobilised community support in some towns and villages. Dispersing riots and conducting a campaign against smuggling presented different problems. Riots were generally a response to specific grievances, designed to pressurise the authorities into remedial action. When armed, protestors would carry sticks and stones, adding a physical dimension

to popular demonstrations and dangerous enough in practiced hands, but someway short of the smugglers' firearms, swords and loaded whips. Rioters did not usually seek confrontation with the military, but for the smugglers it was an occupational hazard. The soldiers represented a threat to their livelihoods and were subjected to attacks for that reason. The economy of Deal was dependent on the sea; fishing, supplying the ships anchored in the Downs, pilotage through the Dover straits, serving on board privateers, coastal and cross-channel traders, and working for the revenue services, were the main forms of legitimate employment. Most of these occupations could be combined with, or provide a cover for smuggling. This reached such proportions in the 1780s that the central government felt it necessary to provide greater military and naval support for the revenue services at Deal than anywhere else in Britain.

The Board of Excise had set up a special unit, made up 'six of their most active officers...to detect and oppose the smugglers in their illicit trade.' In August 1780, accompanied by 22 dragoons and 46 infantry, these officers entered Deal, following up information that there were hundreds of tea-chests stored in the town, all containing contraband. 'They were obliged to retreat by reason of the superior strength of their opponents, with only four chests of tea.'⁹³ In 1781 it was reported to London that £70,000 worth of goods had been brought ashore out of an East Indiaman and placed in the Deal warehouses:

just before daybreak, four Irish independent companies and two of the Middlesex Militia arrived from Dover, conducted by two Customhouse officers armed with extraordinary powers, who began to break into the houses. A large quantity of uncustomed goods were soon found and many waggon loads conducted to Deal Castle. You will hardly imagine that this was done with much tranquillity, and lest nine companies should not be sufficient, above one hundred of Lord Sheffield's Horse came into town during the affair. I can not describe the scene, but it gave me the tolerable idea of the sacking of a town. Some flint and many stones came out of the windows and many shots were fired by the soldiers.⁹⁴

The writer in the Morning Post thought it miraculous that no one was killed and only one man shot by a militiaman; he claimed that most of the contraband had been removed before the troops' arrival, but suggested more such punitive exercises. The Customs Commissioners had a better grasp of the situation. The Deal revenue-men faced such opposition and hostility that partly from that, and partly from the timidity if not collusion of our officers, the goods were either carried off openly in smuggling vessels, or left to the smugglers under the security of a compromise.'⁹⁵ The Collector denied charges of complicity lodged by Lord Sheffield, but admitted the officers were intimidated, 'it being at the utmost hazard of their lives they even attempt to exert themselves in opposition to the great number of smugglers here, whose lawless and outrageous proceedings are incredible.' Mayor Oakley, himself a dealer

in contraband, 'ordered the military out...and engaged himself for the consequences of their quitting it.'⁹⁶ In 1782 a second combined operation brought in a haul of 600 casks of spirits, but the dragoons had to return to their quarters in Dover and half of the seizure disappeared from the King's warehouse during the night.⁹⁷ Another raid was planned, but the townspeople had ample warning of the cavalry's approach and prepared an ambush. As they rode into Deal's narrow streets, ropes were raised to restrict the horsemen's movements and they came under fire from behind windows and doors. Their own powder was damp, and their carbines inoperative.⁹⁸ In terms of the quantities of goods seized, the expedition was a waste of time and effort.

There were troops stationed in Deal, but the revenue officers preferred to make the journey to Canterbury when assistance was needed, so minimising the risk of encountering the smugglers. A much publicised coup against the Deal smugglers, when a number of boats were destroyed on the beach, did involve the military, but it was as much a success for the navy as for the army. Contemporary reports, appearing in the London newspapers and repeated in the Annual Register, were more concerned with promoting William Pitt's reputation than giving an accurate account of events. The Deal smugglers soon recovered from the losses suffered in 1785. A letter from Deal to the Kentish Gazette in October 1786 noted the change in the garrison:

This morning marched in here from Shrewsbury part of the 55th regiment, in the room of the 38th, removed to Chatham, it being impossible to do without soldiers, as the smugglers are more daring and riotous than ever...The new commercial treaty with France is far from being disliked here, as the smugglers scruple not to say, that it is all on their side; and that brandy will now be much better and cheaper, and easier procured than ever.⁹⁹

A year later, 43 vessels were reported sailing from Boulogne in a single week, with shipments between 60 and 1400 half-anchor casks, 'it was understood they had all deliver'd their cargoes safe, many of them having return'd in three days.' Most of this contraband was destined for the Downs and the Deal smugglers were bringing back tobacco as well as spirits from Dunkirk, Ostend and the Channel Isles.¹⁰⁰

Between October 10, 1784 and July 5, 1786, soldiers operating within the Dover Collection were involved in the seizure of 6819 gallons of gin, 3555 gallons of brandy, 198 gallons of rum, 3986 lbs of tobacco and 1354 lbs of tea. Dozens of casks were taken up at a time but all the spirits together would only have filled half a dozen tub boats, and one cutter could have carried all the brandy. The ports of Deal and Sandwich had their own Collectors and figures for Dover could be misleading as a guide to seizures in the rest of the county but the fact remains that a single seizure at sea could be worth more than all those on land, made with the help of the military, over a period of nearly two years.¹⁰¹

In 1783 smuggling was 'carried on with the most open and daring Violence, in every accessible Part of the Coast' yet William Yonge's scheme, drawn up in 1784, provided

only 700 cavalry to cover the coast from Dorset to the Wash, and left Kent, Sussex and Norfolk with fewer men than were quartered there at times in the 1740s.¹⁰²

The effectiveness of the preventive forces cannot be judged solely by the seizure statistics, or the results of clashes with the smuggling gangs. The intention of stationing troops on coastal duties was to disrupt the contraband trade. Seizures and confiscations were one way of eroding the profits to be made from smuggling, but there was much more to this than the straightforward loss of goods and their means of carriage. As losses rose, so would insurance premiums, while the accepted practice whereby customers paid for contraband, delivered or not, could create tensions within the smuggling networks. Landings could be rescheduled, ships and riders directed to different stretches of coast, but it all added to transport and distribution costs and smugglers seldom carried return cargoes. If supplies could be interrupted, and the price of contraband forced up, then wholesalers and retailers might be persuaded to buy goods from legal suppliers. The question remains as to why the central government was not prepared to assign more men to tackle what was acknowledged to be a significant threat to public order. Hostility to the use of the army as a police force provides one line for investigation. Walter Shelton notes 'the denunciation of military brutality' after the riots linked to John Wilkes, and contrasts that with the way in which the landed interest, sensing the 'levelling implications'

of food riots and industrial protests, showed no qualms over using the army to enforce order in the provinces.¹⁰³ Tactical problems in deploying troops in London may have influenced decisions on the use of troops more than elite perceptions of the nature of the threat to social order presented by different groups of protesters, but Shelton does raise questions concerning Hayter's claim that while:

The respect for public order and private property was great, the distaste for the soldier was greater still. Whatever judge-law might say, there was a widespread conviction that the use of military power in suppressing riots was no part of the English constitution.¹⁰⁴

The threat to civil liberties if the army was used regularly for policing, was a recurring theme in political debates. The fears were genuine; the more experienced and the more professional the army became as the main agency for preserving civil order, the less authority the magistrates would have. The same reasoning informed some of the opposition to the establishment of a professional police force. When a Cornish JP could describe with enthusiasm the use of grape shot to disperse crowds of protesting tinnerns, then there is a need for care when assessing political and social attitudes.¹⁰⁵ Houlding sees a standing army and a reformed police as threatening the 'ancient social order, rooted in paternalism, by which authority had ben maintained in the countryside.' But as that social order waned, so new means of social control were needed; the law and the judiciary were one agency of elite hegemony, and 'Come war or peace, the army served as the guardian of the civil order. That too is one of the great facts of the eighteenth century.'¹⁰⁶ Smuggling was a business,

driven by the same commercial imperatives as legal enterprises and co-existing with them. The smuggler's credentials as proto-revolutionary and defender of the local economy are suspect, but he was 'part of the turbulence of the age...the extreme precariousness between the forces of law and order and those of crime and anarchy in eighteenthcentury England.' Magistrates did not hesitate to call for military assistance when faced with outbreaks of popular protest, and senior revenue officers, often magistrates themselves, regarded army support as essential for the protection of Customs and Excise personnel and to deter the smugglers. McLynn's claim that 'the Customs department was always reluctant to call in the military' is contradicted by the evidence in the War Office records.¹⁰⁷

IV

Comparisons with the French

In 1778 Lord Sheffield proposed raising a new regiment of light horse, to be recruited from the Sussex smuggling gangs:

They are seasoned, hardy, daring, capable of great fatigue, vigilant, accustomed to bad roads and night work...Their knowledge of the country should not be forgot and their practice in acquiring that sort of knowledge. From these circumstances I judge no kind of soldier would be more useful in case of invasion.¹⁰⁸

The Customs Commissioners objected to the idea of smugglers receiving military training and then returning to their trade more disciplined and more dangerous than before.

Sheffield formed his regiment, the 22nd Sussex Light Horse, but where he found the men is not recorded. He was unusual in recognising the military skills of the English smugglers, a quality remarked on in their French counterparts, who had often served in the army. Encamped in the frontier zones and then returning to winter quarters, the troops brought their contraband back with them, while internal tariffs meant that salt and tobacco smuggling were endemic and the military regarded illicit trade as a legitimate means of supplementing their pay. Deserters, veterans, officers on half-pay and soldiers on furlough could find security, alleviate boredom, and improve their finances by joining the contrabanders, a course of action generally approved by the local community. The disdain of the military elite for police operations was only part of the explanation for restricting the use of the army in anti-smuggling campaigns.¹⁰⁹ Carrying salt from low-duty and duty-free regions such as Brittany, into provinces subject to the full rigours of the gabelle, was a highly profitable activity. The price at the salt offices in the 'pays des grandes gabelles,' could be twenty or thirty times higher than in the 'provinces franches,' providing opportunities for profit that were hard to resist.¹¹⁰ Salt merchants were responsible for much of the more serious fraud, but small scale evasion provided a vital source of income for those on the margins of society, and the extensive movement of contraband salt gave rise to a form of brigandage. There was:

a kind of smoldering civil war endemic to the borders of the grandes and petites gabelles. Ambushes, skirmishes and pursuits were not infrequent. Sometimes pitched battles were fought between bands of salt smugglers and the brigades ambulantes.¹¹¹

The tax farmers applied for military assistance against the faux-sauniers, but the soldiers were unreliable. In spite of the efforts to restrict the practice, recruiting sergeants had recourse to the prisons, where there were sure to be a number of smugglers. Military units had several advantages as contraband carriers; proximity to frontiers, a degree of immunity from searches and seizures, and the right to carry arms. 'Whole military units seem to have made a practice of riding off to areas of low priced salt and bringing it back in their saddlebags.' A mutiny broke out when the officers of the St Simon regiment tried to arrest the men who had broken into a gaol and released five comrades convicted on smuggling charges.¹¹²

Jean Claud Hocquet maintains that the greatest fear of the gabelous, the police employed by the tax farmers, was to run into smuggling soldiers, working in parties anything between 80 and 100 strong. Veterans, deserters, and men evading conscription often predominated in the gangs which supplied Picardy and Artois with salt brought out of Flanders. These bands numbered between 200 and 300 and it served no purpose sending regular units to track them down if they were also concerned in illicit salt trafficking.¹¹³

Henri Sée cited the increasingly draconian penalties prescribed for smuggling as evidence of the authorities' failure to curb the trade. If caught and convicted, members of armed smuggling gangs ran the risk of the galleys, the gallows, or being broken on the wheel.¹¹⁴ As in England, the smugglers' response was to operate in larger parties, planning and carrying out incursions over the frontiers as if they were military campaigns.

The French tax farmers employed their own armed police, notorious for their brutality and corruption, but no more able to contain the smuggling gangs than were the English Riding Officers. Whatever their reservations, the authorities had to employ the army, and studying their campaign to bring in Louis Mandrin enables comparisons to be made with British army units assigned to coastal duties.

Mandrin has been made a folk-hero, a social rebel championing a popular cause by launching a war against the tax-farmers. He was in fact already under sentence of death before he became a smuggler, having killed two men in a village brawl over the performance of militia service.¹¹⁵ His smuggling career began in 1753, when he joined Jean Belissard's gang, based in Savoy and operating in the Dauphine. Mandrin soon became the gang leader and between January 2 and December 26 1754, he organised six expeditions across the border into France. His gang has been estimated as large as 400 men, but only a dozen came with him on the first venture. He was said to have recruited ex-soldiers, deserters and officers finding it hard to

adjust to civilian life, but there were later reports of his assuming overall leadership of the French smuggling gangs operating out of Italy, and of discontented peasants joining him in France.

Mandrin set out to impress the local people and the employees of the tax farmers; each smuggler carried a carbine, three brace of double-barrelled pistols, and a hunting knife. Having commandeered the centre of a town and conducted a public auction in the market place, Mandrin would often put on a show of equestrian skills for the benefit of the community. If he had been content with the profits to be made from smuggling he might have continued in business for years, but Mandrin was set on the humiliation and destruction of the tax farmers and their agents. Officials were disarmed and shot in cold blood. When Pierre Mandrin was hung for counterfeiting, Louis tracked down Jacques Maret, the brigadier whom he held responsible for his brother's death, and finding him with his two year old daughter in the church square at St Etienne-de-Saint-Geoirs, the Mandrin's home village, shot them both dead. A recruiting sergeant, accused of spying for the Farm, was shot by a firing squad made up of smugglers. When Mandrin began to feel himself under increasing pressure from the military he abandoned the practice of holding auctions and instead went directly to tax offices and forced the officials to buy his stocks of contraband. To build up the strength of the band, prisons were broken into and recruits raised from those charged with smuggling offences.

As the authorities became better organised Mandrin resorted to the use of greater force. The Captain-General of the Ferme at Puy-en-Velay fortified the tobacco office in the town and in the ensuing fighting one smuggler was shot in the mouth, another lost his left hand and a third was killed. On the final expedition Mandrin had to fight his way into Beaune where he then demanded 25,000 livres from the mayor as compensation for the hostile reception. The distinction between smuggling and brigandage was clearly breaking down and Mandrin was having difficulty in sustaining the myth that his campaigns were directed solely against the employees of the Farm. Following the events in Beaune, the town of Autun was on full alert in anticipation of Mandrin's arrival; entry was secured by rounding up a group of seminarists outside the town and threatening to massacre them. The authorities raised 9000 livres to buy off Mandrin, less than half the sum demanded, but the military were on their way and the smugglers wanted to get away. Mandrin had left it too late; he made good use of the natural defences in the village of Guennard, and eighteen men held off the troops while the rest of the gang tried to escape. Most did, but nine died in a fire in a barn, five were caught and it was something of an achievement that so many managed to get back into Savoy. Seven grenadiers, five hussars, two officers and a quartermaster were killed in this action. Mandrin's campaigns, spanning a single year, had cost the lives of between thirty and forty officials, guards in the employ of the Farm, and regular soldiers.¹¹⁷

Louis Dermigny notes the parallels between Mandrin and the Hawkhurst gang.¹¹⁸ In both cases a direct challenge was made to the authority of the state, and the response was to be vigorous, determined, and effective. The French authorities committed more military personnel to the task of stopping Louis Mandrin than were ever deployed in the whole of Britain, and by both French and English standards, Mandrin's was a modest sized gang, at least to begin with.

The first measure adopted by the Minister of War and the Controller General of Finances, was to raise a new corps of light horse, the Dauphine Volunteers, 1500 men, many of them veterans from the campaigns in northern Italy. They were based in and around Pont-de-Beauvoisin, a key point on the route linking France and Savoy. A second corps was raised, made up of 500 dragoons and 1000 fusiliers. Again there were many veterans, this time from regiments which had served in Bohemia and Flanders. Known as the Flemish Volunteers, they had a reputation for cruelty and rapine and a number were recruited from French gaols. Besides these 3000 men, raised with the specific aim of combatting the smugglers on France's south eastern frontiers, every commanding officer from the Jura to the Mediterranean had instructions to assist in tracking down and capturing, or eliminating Mandrin.¹¹⁹ He survived the six expeditions into France, but the military cordon was closing in, forcing Mandrin to remain constantly on the move. The last incursion into France ended with the band severely mauled

by the army, and Mandrin barely making his escape. With previous experience of the Savoyard authorities' lack of co-operation over the suppression of smuggling, the decision was taken to cross the frontier and bring Mandrin out, dead or alive. The invading party was made up of 500 Flemish Volunteers, the argoulets, and guards drawn from the police employed by the General Farm. Mandrin was known to be staying in a chateau at Rochefort, only a few hours ride from Pontde-Beauvoisin, and the troops went in on the night of May 10-11, 1755. He and a single lieutenant were seized, tied up, and thrown on the back of a cart. The chateau was ransacked and the servants tortured. On their way back to France the argoulets and the gapians carried out a number of random assaults and killings. None of the soldiers were wearing proper uniform and their faces were blackened with charcoal or covered by strips of cloth.¹²⁰ There were certain to be diplomatic repercussions and the French authorities wanted it believed the raid was not officially instigated. The case was heard by the the Commission at Valence, and Mandrin was sentenced to death by breaking on the wheel.¹²¹ Louis Mandrin had sought to legitimise his smuggling and brigandage, claiming he was waging a war against the tax farmers and their agents, detested by the majority of Frenchmen. As the violence became indiscriminate, the fiction that Mandrin was a defender of the people against fiscal oppression was harder to sustain. Smuggling gangs continued to operate out of Savoy, but none of Mandrin's successors were to become folk-heroes.

To the south, on the Franco-Spanish frontier, smuggling was integral to the local economies of Roussillon and Catalonia and the officials of the Farm were barely tolerated. Over the period 1780-1820 there were forty-seven violent incidents in Roussillon, involving smugglers and servants of the revenue. Twenty-eight officials were seriously wounded, seven or eight fatally. Goods were smuggled both into and out of Spain, the export of tobacco being especially lucrative. 'The size of the bands far surpassed anything known anywhere else in France. One, in the region of Banyuls, comprehended 700 men out of a potential force of 2,000.'¹²² In May 1773 the Spanish town of Puigcerda was taken over by French smugglers. They put guards on the gates, the troops quarters, the town-hall and the customs buildings, and then broke into the prison to release their associates. A month later a Spanish official was captured, subjected to a mock trial, and clubbed to death. On the French side the employees of the Farm wanted permanent military support. In the 1790s the officials fled Banyuls and took refuge at Port Vendres. When they returned it was to face constant harrassment, culminating in a major riot. Collioure was equally inhospitable territory for the revenue-men; after arresting a number of suspected smugglers they came under attack by a furious mob of men and women, and had to seek sanctuary at the fort. The local authority blamed the officers for behaving provocatively, and when they sought assistance from the military the commandant sent them to the punishment block.¹²³

The difficulties at Banyuls were one example of the general opposition to a re-instatement of revenue officers after the administrative breakdown in 1789. Roussillon had become a free-trade area, and the inhabitants wished it to remain so. In February 1791, concerned by the export of grain and livestock to Spain, when there were food shortages at home, the government decided to re-establish the customs check points, and an advance party of six officials was sent to Perpignan, the provincial capital. They had an escort of grenadiers, but the people of the faubourgs of Notre Dame and the Tunneries had stockpiled stones in preparation, and as the soldiers took the revenue men up towards the walls of the town they were surrounded by a hostile crowd, armed with clubs, swords and firearms. The officials were handed over to the protection of the town's national guard, but the national guardsmen from the faubourgs were threatening to attack. Whether their protectors broke ranks under the pressure of the mob or as part of a preconceived plan, the officials and grenadiers were left to fend for themselves. Two soldiers were injured but managed to escape under musket fire. Julian Truite was beaten and suffered a deep slash across his stomach. He was then paraded through the streets with a cord around his neck, mocked and taunted by small children in a macabre charivari. Raymond Ferrier, despite serious sword wounds, broke away from his assailants and dived into the river, providing a target for small arms practice until the municipal authorities arrived, and Hyacinthe Fabre was bludgeoned and bayoneted to death.¹²⁴

There were a number of parallels between French and English smuggling: the use of armed force and speed of movement to combat or frustrate the revenue authorities and their agents, popular support for the contraband trade, and communal hostility directed against those appointed to prevent it. The riot in Perpignan was particularly brutal, but no different in kind to those in Deal, Guernsey, and the Isle of Man, and Captain Porteous suffered a grisly end in Edinburgh in 1736. The ambiguous part played by the National Guard was akin to that of the militia and fencibles on this side of the Channel. Comparing the respective armies, the British detachments emerge with some credit. They did not form themselves into smuggling gangs, they were up against opponents as numerous and well armed as those in France, yet could operate as a deterrent force with only a fraction of the manpower devoted to stopping Mandrin.

V

Soldiers, Smugglers and the Courts.

According to Frank McLynn, eighteenth-century juries were often 'genuinely sympathetic to smugglers' and 'failed to convict on the most straightforward evidence.' There was also 'widespread fear and loathing of soldiers by civilians.'¹²⁵

Relating this to John Rule's claim that some forms of social crime, including smuggling, provided popular legitimisation for extreme levels of violence, it would follow

that securing convictions against smugglers charged with the murder of soldiers presented considerable difficulties for the Crown. Conversely, any soldier on coastal duty who killed a smuggler should have expected scant consideration in court. Such cases were infrequent, too few to provide material for firm conclusions, but enough to raise doubts about the invariable prejudices of juries.

Thomas Carswell, the Hastings Supervisor, went out on patrol on October 24, 1734, taking with him the rest of the Riding Officers and six men from the 5th Foot Regiment. Having information of an intended run, Carswell set an ambush in a lane leading down to the beach at Hollington. When a party of horsemen approached, Carswell tried to stop the lead rider, but when the rest struck out with their whips, the order to open fire was given. The smugglers escaped, but afterwards the body of Thomas Peen, a Hawkhurst carpenter, was discovered, killed by a gunshot. A coroner's jury brought in a verdict of manslaughter against two of the soldiers, Thomas Elgood and Robert Biscoe; Collier prepared the papers for the defence but the case did not go to the Sussex assizes. It was just as well, since there was no evidence linking Peen with the gang, though he had the reputation of working for the smugglers.¹²⁶ A year later the Chichester Riding Officers, again with military assistance, captured five smugglers and their horses. A magistrate committed the suspects and the grand jury found a true indictment, but they were acquitted by the trial jury.¹²⁷ In 1744 Collier had to deal with another incident

in which a dragoon shot a smuggler. A gang had broken into the home of Philip Bailey, a Riding Officer at Bexhill, assaulted his family and ransacked the house. The following night three cutters landed their goods in Pevensey Bay and more than 500 horses was reported on the beaches.¹²⁸ Dragoons were called out, and while a detachment were drinking outside a pub at Guildford Sluice 'three smugglers rode by, their goods under them.' The soldiers opened fire and one smuggler was killed. Collier was able to get the coroner's hearing adjourned and transferred to Hastings, where after three days and hearing evidence from eighteen witnesses, the jury declared that the soldiers had fired 'in execution of their duty and in defence of the customs officers.' Collier himself admitted the men had acted hastily, and felt it was his personal standing, that had saved the dragoons from further proceedings.¹²⁹

Collier was involved in a different way when Michael Bath, another dragoon, was murdered at Goring in January 1744. Nine soldiers and the Arundel riding officers had seized 300 casks of brandy but the smugglers regrouped and recovered their goods from the small guard left behind. When the rest of the preventive party tried to regain their seizure, the smugglers opened fire, injuring two dragoons and killing Bath. Two more troopers and Thomas Jeffery, a Riding Officer, were captured and kept on board a smuggling cutter. The master was Thomas Holman, one of the Hastings Transports, already wanted for returning early from the sentence of transportation imposed in 1736. Holman was

Collier's nephew but when eventually arrested, there was nothing his uncle could do to save him from a Sussex jury. At the Lewes summer assizes in 1749, Thomas Holman, William Trower and Adrian Isaac were all convicted for their part in Bath's killing. The death penalty was rescinded, but Holman had to go into permanent exile.¹³⁰

False information and a dilatory revenue official contributed to Willam Cam's death. Having made a seizure of tea at Semer, Oliver Newby, the Woodbridge Collector, wasted a night waiting for a run along the Colchester road which never materialised, then carried out further searches in the neighbouring villages, finding nothing. It took two Customs officers and four dragoons the whole morning to collect 400 lbs of Bohea from the Excise office in Hadleigh and start off towards Ipswich. The smugglers, given ample time to prepare, rode after the preventive party and surrounded them, armed with 'blunderbusses, fowling pieces and other weapons.' Newby ordered the dragoons to hold their fire unless they were shot at, but:

without the least parleying they immediately fired upon us and nothing was to be heard but cursing, swearing and the discharge of smugglers arms, which they kept firing as fast as possible, and in such desperate manner there was no possibility of withstanding them, whereby we were overpowered and they took from us the tea.¹³¹

All the dragoons were injured, and Cam died from a gunshot wound the following day. What was unusual in this case was the speed with which two suspects were brought in;

The Customs Commissioners authorised the publication of a reward notice in the Ipswich Gazette, of May 17, 1735. With the evidence of William Meadows and James Goss to go on, Newby was able to provide the names of a number of the smugglers concerned in the affray. Those identified were local men, rural craftsmen and small farmers from Hadleigh, Boxford, Hintlesham, Monks Eleigh, Semer and Bildeston, but the two who were brought in, John Biggs and John Wilson, known to Meadows as 'Old Yorke' and 'Young Yorke', originated from Yorkshire and the Essex village of Bocking, and had been working in London, where they were taken up. Neither had played a prominent part in the rescue but when brought to trial at the Suffolk assizes both were convicted. Sentence was executed on August 2:

They behaved with a great deal of intrepidity as they had all the time they were in prison. They said they forgave all the world, in particular Boughton, who was one of their company, and having made himself an evidence against them and assisted in taking them.

Wilson's wife 'took a great deal of pains to save him by a petition to the Queen', but there is no indication of the necessary support from local dignitaries.¹³²

The case left a number of questions unanswered. Boughton was never mentioned in the earlier evidence, while Biggs and Wilson were never named by Goss or Meadows. Once these two minor culprits were disposed of, there seems to have been no attempt to bring in the principals, Henry Clarke, John Harvey, and William Neale, who continued active

smuggling careers until the late 1740s. What it did demonstrate was the willingness of an assize jury in a maritime county to send smugglers to the gallows.

Thomas Cole was shot dead at Elmer Sluice in 1757 and though there were no immediate arrests, the authorities were very persistent in their efforts to secure suspects and put them on trial for murder. Ambrose Cannon was brought in by John Bay, a Chichester Riding Officer, fifteen years after the event. Cannon was remanded in Horsham gaol in February 1773 to await the East Grinstead assizes. He was said to be the fourth man charged with the murder, and the previous three had all been executed.¹³³ Cannon followed them to the gallows while Thomas Green, commander of the smuggling cutter concerned, had to act as a spy for General Napier before he obtained a pardon in the 1780s.¹³⁴

John Harper, a trooper with the 11th Dragoons on coastal duty in Suffolk, was fatally wounded on Lowestoft beach in 1777. Sergeant Peterkin and three soldiers had gone out with Barcham Boldra, a Customs Officer, and seized 40 casks of gin. The smugglers escaped in their boat and opened fire once they were out of range of the dragoons' horse pistols. A ball went through both Harper's thighs, and he died from his wounds a week later. The smugglers landed a sizeable force from their cutter and retrieved the gin, inflicting a second gunshot injury in the process, this time on Boldra. Peterkin recognised Edmund Eastoe

among the smugglers and when he and two revenue officers went to the suspects cottage they found 'his breeches wet with salt water' and his collar torn, caused when he had broken free of the sergeant's grasp. Eastoe was taken into custody, tried at the Bury assizes, found guilty, executed, and his body handed over to the surgeons for anatomy classes.¹³⁵ Kent juries were also prepared to convict smugglers accused of murdering soldiers. In 1780, a detachment from the 4th Dragoons, quartered in Canterbury, were sent to assist Joseph Nicholson, an Excise officer, search properties in Whitstable for contraband. The soldiers went on foot and by the time they arrived Nicholson had lost most of the tubs of gin he had found and been left tied up by 'a Gang of Ruffians...whilst a party of Boys carried off part of said Tubs out of the Hogstye.' The remaining casks were loaded on a waggon and the party set off for Canterbury, soon to be pursued by the smugglers. The riders caught up, went right up to the dragoons, and opened fire; two soldiers were killed on the spot. The gang sailed to Flushing and Dunkirk soon afterwards but one seventeen year old was brought in. John Knight was convicted and executed on Penenden Heath, outside Maidstone. William Roalfe was arrested for the same offence in May 1780, and he was also sent to the gallows.¹³⁶

There were occasions when juries acquitted smugglers accused of being concerned in affrays in which soldiers died. William Kimbell, aggrieved over the loss of goods seized on Hunstanton beach, set an ambush for the preventive

force, made up of Riding Officers and a detachment of the 15th Light Dragoons. As they rode by, Kimbell's crew opened fire from cover, killing William Green, a Customs officer, and William Webb, a dragoon. The soldiers reacted quickly and Kimbell, Henry Gunton and Thomas Williams were captured and taken to Norwich castle to await trial. The Crown's case was solid and Williams turned King's evidence, nevertheless, the jury brought in not guilty verdicts. The prosecution moved for a second trial with a new jury, arguing that 'if a Norfolk jury was determined not to convict persons guilty of the most atrocious crimes, who were smugglers, there was an end to all justice.' The judge agreed but the outcome was the same. Two recent deaths, caused by the excessive zeal of the military in handling smugglers, might well have alienated local feeling towards the military.¹³⁷ This was not the only instance where a jury acquitted a smuggler accused of murdering a soldier aiding the revenue services, but from the few cases there are, it is not possible to conclude that there was any deep sympathy for smugglers or detestation of the army. The willingness with which revenue officers called in military assistance could be seen as the proper functioning of the machinery of the central state. Reconciling this interpretation with the declared aim of keeping the army under firm civilian control, and the hostility local social and political elites supposedly felt towards the military, might lead to some re-evaluation of the attitudes of the civil powers towards the army. Juries composed of 'the

middling sort' may well have reflected elite, rather than popular norms, but the insistence that the army's policing role was regarded with great suspicion by all sections of civil society would suggest more of the accused should have enjoyed the good fortune of Kimbell and Gunton. Questions also arise as to smuggling's standing as a form of social crime. If distinctions between what was and was not criminal within certain communities were 'not...based on inhibitions upon violence,' then the accused should have had better prospects.¹³⁸ Soldiers, the despised agents of central government, had been killed when they interfered in the workings of the local economy. If juries wanted to demonstrate their opposition to the encroachments of central government and the expansion of the fiscal-military state, then these trials provided them with the opportunity. If it is argued that juries consisted of members of the propertied classes, or were too dependent on the patronage of their social superiors to risk exciting their antagonism, then doubts are raised concerning the totality of communal support for smuggling and the effectiveness of the smugglers' intimidatory tactics.

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Chapter Five

Enforcement of the Laws

I

Bringing in the Suspects

Various reasons can be advanced for the length of some smugglers' careers: too few preventive men to take them up, limited local co-operation, fear of retaliation and their quarry's mobility. There was no certainty as to when and where the cutters would arrive so the land gangs had to assemble and move quickly and safe houses were needed for harbouring goods, stabling horses and accommodating riders. If the vigilance of the preventive services forced a postponement, or a landing at a different location, the smugglers had to disperse along the coast ready to reassemble at short notice. Frequent sea crossings in search of supplies established useful contacts in the continental ports, the Channel Isles, the Isle of Man and Ireland, while familiarity with ships and sailing ensured that the sea was seen as an escape route, not a barrier. Reporting on a number of intended prosecutions against smugglers from Harwich and Poole in the late 1720s, the Customs solicitors noted that the majority were *penniless*, had compounded their offences, or fled abroad; 'in general they are very mean, being seafaring people and Country fellows.'¹

John Pixley, John Carbold and John Doe all took up residence in Zealand in the later 1740s. Jeremiah Curteis, wanted for smuggling, murder, and breaking out of Newgate, was thought to have joined the Irish Brigade at Gravelines,

in the service of Louis XV. Robert and John Henning, named by Joseph Harding as London tea dealers in 1731, were 'forced to abscond in Parts beyond the seas' when a watchman was murdered trying to seize some contraband from them. Robert later set up in business at Dunkirk and Flushing supplying tea to the smugglers.² Isaac Adrian or 'Little Blue' suspected of murdering Michael Bath on the Sussex coast in 1744, escaped capture in 1746 when Captain Dagnett brought in a smuggling cutter with a crew drawn from Kent and East Anglia. Four years later, following the efforts of the Duke of Richmond, Adrian was repatriated from Holland on board the Harwich packet.⁴ Thomas Harvey, brought into Harwich with Adrian in 1746, had been reported living in Boulogne two years earlier. He and Robert Fuller were under pressure from the French authorities to act as pilots for a French invasion. The masters of the Folkestone smuggling cutters held at Dunkirk were said to be under arrest in March 1744, but were soon back in Boulogne, 'Where they now live with their Famillys and have done for sometime; these poor men with a great many more now at Boulogne are under Prosecution for having been found guilty of Running of Goods contrary to Law, and dare not Return back to England.' If granted pardons, they 'could do good service,' but if obliged to remain, 'they may become desperate and look on the Country that gives them Sanctuary as their own and would be very capable of doing much mischief to that they have deservedly been forced to quit.'⁵ Another source estimated there were

thirty able-bodied English smugglers resident at Boulogne, employed by 'six that are leaders.' These were probably the Transports, the Hasting's men convicted for an assault on the crew of the Amelia. Their punishment amounted to little more than the inconvenience of having to operate their smuggling business out of Boulogne instead of their home town.⁶

Thomas Green, following the shootings at Elmer Sluice in 1757, was by his own account, forced into 'twenty years of wretched exile.' Living in Dunkirk, his sufferings were alleviated by the profits from his continued smuggling. Dunkirk and Flushing were also the destinations of the gang thought responsible for the deaths of two dragoons outside Whitstable in 1780. The fact they left their weapons behind was taken to mean they intended to return, but there were later reports that they had become privateers.⁷

The Channel Islands and the Isle of Man also provided convenient escape routes and refuges for smugglers wanted for serious crimes. Thomas Wellard, having opened fire on the Hawke, took the Happy-Go-Lucky over to Guernsey, where the Governor refused to surrender the smuggling vessel to Captain Douglas. Three smugglers were brought to trial for the murder of William Allen, master of the Orestes, shot at Christchurch in July 1784, but William Parrott and William May, the commanders of the smuggling luggers involved, were thought to have escaped to the Channel Isles,

along with a number of their crews, so James Sarman and Alexander Ramsay, both revenue officers, went after them on board HMS Expedition. The Governor claimed that a warrant from the Secretary of State had no force on Guernsey and the Island's Royal Court supported him. Governor Brown only offered to help when Ramsay stated his intention to carry out a search with or without assistance. When none of the wanted men were discovered, Ramsay and Sarman decided to go over to Alderney. Brown advised against it, 'for he said at that time there were 300 smugglers on the Island...and that the inhabitants were all smugglers.' When this failed to deter the officers, Brown provided them with a military escort of twenty men. Governor Le Mesurier refused the soldiers permission to land on Alderney but went out himself with the local peace officers. Parrott had been there, but the arrival of HMS Jackal and her captain's coming ashore caused him to leave quickly, along with his wife and children. They had sailed for Cherbourg but were later reported living in Ostend, where William May had also set up home.⁸

Smugglers were at risk from the elements and the rigours of their profession, but the threat from the law and its agents could be minimised. Easy access to ships, useful contacts overseas, and the limitations of policing at home all served to assist the free traders. Henry Clarke, Cam's killer, was organising runs on the Norfolk coast two years later and Galloway Tom, also present at the shooting, had transferred his activities from Suffolk to Norfolk. John Harvey was rescued from custody in 1735, present at Hadleigh,

and still smuggling in the late 1740s.⁹ Wanted for his part in the death of John Wood, drowned off the Sussex coast in 1733, Richard Burleigh was sighted off the east coast several times over the next few years, including the incident when he and John Wilson went before a magistrate to complain they had been robbed by Richard Hobbin the Yarmouth Riding Officer. Burleigh's mate, Nicholas Ednall, was also smuggling in the Wash three years later, sailing as one of Richard Johnson's crew, bringing consignments of tea over from Flushing. Thomas Drew was with the Roots brothers in the 1720s, carrying small parcels of tea and landing them on the Hooe peninsula in Kent. His name reappeared in the records nine years later when he was with Pixley and Thomas Brett on board the Slowley running goods from Tervier for disposal in Norfolk and Suffolk.¹⁰

The Hastings' seamen who combined privateering, piracy and smuggling in the 1760s, were known to the authorities some years before they were brought in. The problem facing the revenue services was demonstrated in 1767 when the Bourner brothers, rescued from custody by a riotous crowd, sailed their lugger out of Hastings and committed numerous acts of piracy before being retaken. None of the revenue cruisers or the royal naval ships on preventive duty had been able to intercept them in the Channel. Twenty-three suspected pirates were eventually arrested and fourteen held to await trial before the Admiralty court. Edward Milward, 'apprehended that the remainder of the Pirates were absconded from the Country.' They were supposed to

have returned by the early 1770s, when Milward reported 'Several Gangs of Pirates belonging to Hastings, Dover, Folkestone and other Sea Ports lying on the Coasts of Kent and Sussex.'¹¹

Thomas Brown, a local smuggler, assaulted the Deal Customs officers three times in the space of eighteen months, either resisting seizures or rescuing contraband. Richard Baxter was lucky to escape serious injury when Brown tried to brain him with a tiller. The next year, when Baxter was shot dead in the course of a pursuit after a smuggling boat, Brown was named as the murderer and a £200 reward was offered for information leading to his capture. Brown was later reported operating as a privateer, accompanying Daniel Faux in his cruises off the east coast, but he remained at liberty.¹² In fact he was never tried for the murder; Brown was killed when a boarding party from Gabriel Bray's cutter, Nimble captured the Juliet lugger in 1784.¹³

Harry Carter was running cargoes from the Channel Isles and France from the late 1760s onwards. His record as a privateer commander during the American War was undistinguished and the revenue services would not turn a blind eye to his smuggling now hostilities were over.

With the war over, the Carter family carried on much as before, until Harry's ship the Revenge was boarded by a party from HMS Druid in 1788. Carter escaped and hid out along the Cornish coast, then took passage to Leghorn, sailed from there to New York and eventually settled at Roscoff, where he acted as agent for the family business, arranging shipments of contraband to Guernsey and Cornwall. The outbreak of war brought imprisonment in a French gaol, but when Harry Carter was repatriated in 1795 no action was taken against him.¹⁴

II

Confining the Smugglers

When the Happy-Go-Lucky was eventually taken, Welland dying in the action, twenty-seven of her crew were held in Pendennis Castle, eleven of them injured; within the week they were free, having overpowered their military guard and broken out.¹⁵ Prisoners were shackled, hobbled, and loaded with irons, yet they still made their escapes. In contrast to the elaborate physical restraints, there was little effective control over association or visiting; turnkeys were corruptible, and there was no established machinery for the pursuit and recapture of prisoners. Smugglers, experienced in the mendacity of officials and the persuasive power of firearms, featured in numerous gaolbreaks.

Jacob Walter, rescued from his armed guard at the George, Lydd in 1720, was re-arrested and taken to London under military escort. Sentenced to seven years transportation, he was back in England in 1724 and remained free until

1731, when John Bentley, an Ipswich smuggler, visited him in Norwich Castle. He was not there long, for in July 1733 Walter was reported breaking out of Chelmsford gaol, in company with Edward Carbold and Thomas Forgan. He was seen on board a smuggling cutter in 1735, and two years later an informant reported that Walter had given up the smuggling trade.¹⁶

Samuel Jacombe's scheme to set up an auxiliary force of local men to assist the Yarmouth officers came to nothing when the Commissioners would only agree to pay reward monies on the same basis as the military on coastal duties, but local assistants were concerned in one significant seizure made before they decided working for the smugglers was more profitable. Five men were captured at Kimberley and imprisoned at Norwich, where they were 'heavily ironed.' After more than a year, detained under an Exchequer process, the smugglers attacked the turnkeys and walked out of the Castle. Only Sam Hixen was recaptured and he died in gaol in 1736.¹⁷

A party of smugglers held in the Castle in 1753 were less successful but very persistent. James Clark, Simon Fordham and William Rose used an improvised ropeladder to climb down from the battlements to the roof of a storehouse and from there escaped the precincts. Rose and Clark were retaken, but then participated in a mass breakout in December. Sixteen men seized the turnkey and the governor's son and overpowered the gatekeeper. Most were

brought back the same evening but 'Fisher the smuggler' was believed to have found a passage to Holland. William Rose was released in 1757 on condition he enlisted in the the navy for life.¹⁸

The escape from the county gaol at Maidstone in 1747 showed just how insecure prisons could be. John Hales, Francis Marketman, Sam Prior and Richard Blundell were committed on suspicion of smuggling and though the authorities were unaware of it at the time of the break out, Blundell was with the gang who killed Carswell at Hurst Green in 1740.¹⁹ John and Thomas Prior drew up a plan to free the prisoners, and six smugglers met up in Maidstone, staying at the house of one March, a turnkey, bought for £20. Thomas Border visited the gaol on a Sunday evening, carrying in an assortment of swords and pistols and telling the four men they would be freed on the Tuesday when March would be on duty. With his co-operation, and the advantage of numbers and weapons, the rescue went ahead. There were horses held ready outside the prison and the smugglers made their way first to the Dog and Bear in Maidstone and then to Tom Prior's home in Biddenden where the landlord from the Three Chimneys provided the tools needed to strike their fetters.²⁰

Most of the freed smugglers and their rescuers were rounded up and returned to Maidstone to await the assizes. John Hales and John Prior were convicted and sentenced to transportation, but Thomas Prior and Sam Pritchett were discharged.²¹ The fate of Richard Blundell sheds light on law administration in the mid-eighteenth century. Blundell

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was taken up by a group styled the Ticehurst Militia and held at the Bell public house. Thomas Sheteker and Richard Holder, acting for William Carey, Governor of the county gaol, went to bring the captive back to Maidstone, but before they could get away, four or five men, including the borsholder of Ticehurst, came to the Bell and removed Blundell, claiming they were going to the nearest magistrate. Instead they put him on his own horse and allowed him to ride off. Nearly a year later Ann Blundell wrote to Carey informing him that she had been in correspondence with the Commissioners about her husband's situation and 'was in very great hopes of getting him admitted an evidence.' When this expectation was realised the Blundells offered to compensate the Governor for his suffering and any expenses incurred as a result of the escape. This was in October 1749; Thomas Drury's information implicating Blundell in the Carswell murder had been in the hands of the authorities since April that year yet the Board assured Ann Blundell that as long as her husband proved 'willing and careful to act for the future in the interests of the government all things as to his late misfortunes shall be made easy.'²²

Captain Dagnett's incompetence was responsible for the escape of some of the crew of the Bachelors Adventure after a seizure in January 1746/47. The smugglers left on their own vessel overpowered the boarding crew and took a boat ashore to Felixstowe. Dagnett, three miles ahead with the Walpole at the time, brought in the smugglers transferred to the cruiser and had them committed to Harwich

gaol. They were out by eleven o'clock that evening but the gaoler failed to report the escape for another seven hours; the Collector was convinced that money had changed hands. A boarding party recognised John Batten, commander of the Bachelors Adventure, sailing on the John and Rachel three months later, but were forced to quit the vessel at knifepoint.²³

The lack of effective prison security made for other problems besides escapes. Potential informants sometimes needed more than the prospect of a pardon to induce them to testify. Six smugglers were brought in by the Aldeburgh smack in 1736; four escaped, but Matthew Jenkins and George Rae were detained on board HMS Fly. Rae stayed with the ship while Jenkins was transferred to Norwich Castle. Andrew Hazey, a merchant from Middleburg, was pressing for the return of his ship and its cargo, and Jenkins's evidence was considered essential if the Crown was to prove an intention to smuggle. He had served on the cutters for some time and the Collector believed he could provide a wealth of information concerning the contraband trade.²⁴ The danger was that other smugglers, instigated by Hazey, would visit the Castle and persuade Jenkins to stay silent. The gaoler was already suspect after earlier escapes so the Commissioners sent one of their own officers to check security. Jeremiah Barton discovered that the Crown's intended main witness was receiving payments from both the Customs and the contrabanders. He ensured Jenkins had no more unofficial contacts:

and by that means Jenkins was brought over and became an evidence for the Crown, which as soon as the smugglers had got knowledge of, they withdrew their favours and at the same time Andrew Hazezy got Jenkins household goods seized at Middleburgh and his wife and family turned out of doors, and thereupon she and her family came over to England and Barton supported her with her husband in the Castle else they must have starved.²⁵

Sam Jacombe proposed the Board should meet the costs of bringing the Jenkins family back to Norfolk. The care taken to cultivate these witnesses proved worthwhile. Hazezy compounded for the return of his ship and abandoned all claims to the cargo of tea seized by the revenue patrol. George Rae returned to Camphere and Matthew Jenkins joined the Customs service as a crewman aboard the Aldeburgh sloop.²⁶

Jacob Peake avoided prosecution for smuggling and assault against the revenue officers by volunteering his services as a privateer in 1744. His commission was a useful cover for further illicit trading, and his cutter was brought into Yarmouth as a suspected smuggler in November 1745. Learning of this, the Board of Customs secured a warrant to arrest Peake for his previous offences and he was picked up when he tried to recover his ship. While Peake was held in Norwich Castle, 'a great many reputed smugglers of this neighbourhood were attending there and spent the evening there.' Peake was supposed to have stood trial at Rochester for the assault on Cadman, but there is no record of his appearing at the assizes.²⁷

Under the terms of the 1736 and 1746 Acts, armed smugglers could be prosecuted for felony outside of the county where the offence was committed. The Commissioners felt the Old Bailey juries were likely to be less sympathetic than those in the principal smuggling areas. The inadequacy of the local gaols was sometimes given as the reason for moving prisoners to London, but Newgate was far from being a model prison. An attempt was made to rescue William Jeffrys, Robert Salmon and William Denny Fox from Ipswich gaol the night before their removal to London. That effort failed, but Salmon broke out of Newgate along with John Peters and Robert Clarke, fellow-smugglers, using a ladder constructed from materials in their cell. William Gray was in Newgate with Thomas Kemp, awaiting trial for running goods on the Kent coast. They escaped in April 1748, assisted by Thomas Potter and Thomas Border, who seems to have specialised in rescues from prisons. They had agreed 'to shoot the Turnkey and the Assistant within the Press-yard if they could not facilitate their wicked Purposes without.'²⁸ When Jeremiah Curteis was arrested near Rye in May 1747, the newspapers reported that he had been taken twice before, but was rescued on both occasions. The Commissioners intended prosecuting him for running goods at Folkestone Warren in 1744, but his record went back to 1736 and he was another of those supposed to have been at the scene of Carswell's killing. A 'great interest' was rumoured to be campaigning on Curteis's behalf, and there were well-founded fears that he would never face trial. He managed his own escape, along with the two Bibbies,

wanted for robbing the Chester mail, and William Crosly, forger and bigamist.²⁹ A plan for a break-out from the press-yard, considered the safest part of the prison, involved sawing through fetters with a watchspring saw, a duplicate key to gain access to the record room, and cutting through the bars of one of the windows 'which looked into the new open passage leading from the...Gaol to the Session House at the Old Bailey.' Rather than join the escape, Samuel Hager disclosed the details to the prison officers refusing to be party to the likely killing of two of the keepers. Hager saved himself from execution, while Edward Dixon and John Catchpole, the two Suffolk smugglers who had devised the escape, were hanged at Tyburn.³⁰

Official connivance in criminal activities was a part of the process of law enforcement. Informants played a crucial role in capturing and convicting suspects, and they had to be afforded some leeway if they were to remain useful. William Shorten was described as a smuggler when he came forward and admitted the theft of two horses. His servant James Miller had been tried and convicted for the offence, and faced possible execution. Miller was released and Shorten took his place in Norwich Castle, only to join in a break-out with ten other prisoners. He was brought back two months later, but fractured the skull of one of the peace officers during his arrest.³¹

As a confessed horse-thief, a known smuggler, and an escaper, Shorten's prospects did not look promising, but instead of being punished, he received a full pardon. Shorten was leading a double life, combining crime and informing

and extracting profit from both. While he was in Norwich Castle awaiting transportation, James Lea, Supervisor of Excise at Dereham, wrote to the Home Secretary on Shorten's behalf. Apart from his one lapse into horse stealing he had been, 'in some respects a useful member of society and of late years of great service to government and fair traders, by giving to me and other revenue officers many informations of large quantities of smuggled goods which have been seized to the use of government.'³² One such information had enabled Lea to bring in James Thompson, concerned with breaking into Thomas Diggins's inn at Rainham and demanding compensation for a cartload of tea and gin seized on the premises by the excisemen. This incident had occurred in November 1780, so Shorten must have been working as an informer for at least six years before his arrest for horse stealing.³³

James Hedding was turned by the promise that charges of horse stealing would be dropped if he agreed to be a King's evidence. With this assurance from a magistrate at King's Lynn, Hedding was:

set upon his parole and at his own expense travelled into different counties to collect evidence and furnish materials for apprehending and breaking up a gang of most desperate broken smugglers who had betaken themselves to horse stealing and highway robberies on a great scale.³⁴

Judge Gould proved 'severe and inflexible' when Hedding's case came to trial, and sentence was passed without any recommendation for mercy. The 'gentlemen of the county' felt it essential that something be done for Hedding, partly

because of his youth and good family, but more importantly, to safeguard the standing of the magistracy within the local community. 'The vulgar' had to be 'impressed with an idea of our possessing powers to which we can in truth lay no claim.'³⁵ This could be supporting evidence of a ruling class conspiracy where the elite entered into, 'extra-legal dealings among themselves to bend the statute and common law to their own purposes.'³⁶ But Judge Gould had frustrated this attempt to interfere with the proper process by refusing to condone the arrangements entered into by those more directly concerned in the tasks of policing. Mr Rishton, the Kings Lynn magistrate, pointed out that if potential informants came to believe that the justices of the peace lacked the authority to make good their promises:

An opinion unfavourable to our weight might prevail, at a time when the County swarms with villains of every description beyond any former period in our remembrance. A Judge of Assize can never be acquainted with all the local circumstances that may render it good polity to pardon even an atrocious offender.

Noting a number of convicted felons' death sentences had been commuted to transportation, Rishton wondered whether this was 'perhaps from an idea that sending them to the coast of Africa is a more severe punishment than that death to which they were sentenced.'³⁷

Contemporaries were aware of the divide between the ideal of law and the realities of social control. John Fielding objected to the way criminals used the system of informing to remove and replace rivals while Edward Sayer questioned 'the ruling principle of...employing mostly thieves to take Thieves.' The practice of using King's evidences removed the certainty of punishment and instead:

we see an asylum opening itself for the reception of offenders in the bosom of Justice herself, to which, after a short life of youthful wildness, they may safely return and in good old age enjoy their otium cum dignitate, good pay, and an extensive patronage.³⁸

The revenue authorities were probably closer in their thinking to Samuel Phillips and John Chitty, who regarded informing as a blight on the administration of justice but the only means of obtaining convictions in some cases, in particular when dealing with criminal gangs. The prospect of betrayal served to undermine trust and induced the gang members to impeach one another. Winslow suggests that 'The greatest threat to the individual smuggler, apart from reduced tariffs, appears to have been neither the revenue officers nor the Army and Fleet, but rather the informer.'³⁹ He could have added that the most useful informants were often a smuggler's associates. The distinction between Sussex in the late 1740s, when the Duke of Richmond was pursuing his anti-smuggling campaign, and 'normal circumstances' when 'the solidarity of the smuggling

Collier acted for the Customs in a number of successful prosecutions at the Sussex assizes in 1737, but shortly before the trials began, Thomas Gilbert, a principal Crown witness, had died, leaving the prosecution with Robert Pope and William Weston, both King's evidences. The Solicitor-General advised that it was quite proper to proceed on their testimony alone, but Thomas Gurr's counsel objected to Pope as an accessory. 'The judge allowed the Objection good and set him aside, but by greatest fortune in the world he never hit upon Weston's being in the same condition.'⁴¹ Pope and Weston between them could identify sixteen members of the Groombridge gang, and were able to provide details of a number of landings along the Kent and Sussex coasts. The names included Pope's brother Isaac, John MacDonald, Jeremiah Curteis and Thomas Powell.

After a few weeks in Norwich Castle Jonathan Pixley was prepared to divulge the names of crews, customers, and the 'master smugglers' he had dealings with. Pixley was hoping to benefit from the terms of the 1736 Indemnity Act, but George Medcalfe, the Customs Solicitor, argued against leniency:

Upon the whole I beg leave to say that (for the Sake of the Lives of your Officers which are always more or less endangered by every Resistance, And also in Consideration of the Legislatures' having lately exprest its particular Abhorrence to this Offence, by Rendering the Lawes made to prevent it more Secure) I am humbly of Opinion that this is a Crime that should very seldom meet with forgiveness.⁴²

Medcalfe considered assaulting a revenue officer, 'As a publick Open Defiance of Government, is of more dangerous Consequence & more Example than a private Defrauding it through evasion of duties.'⁴³ Pixley was imprisoned with John Ranford, John Burridge, John Wallis and Joseph Harding. Besides incriminating one another, they managed between them to name thirty persons concerned in the smuggling trade, a number of whom were later put on trial and sentenced to transportation.⁴⁴

III

Courts, Culprits and Customs Officers

Douglas Hay maintains that 'the ideology of the law was crucial in sustaining the hegemony of the English ruling class.' Yet there were divisions of interest within the elite and different priorities.⁴⁵ The workings of the legal system can sometimes illustrate these internal tensions. When Rishton referred to 'local circumstances that may render it good policy to pardon even an atrocious offender,' he was not thinking solely of the case of James Hedding.⁴⁶ Magistrates and other local officials had to live with the consequences of decisions made by itinerant judges and bureaucratic superiors ensconced in London. Social crime can be presented as the outcome of the legislature's efforts to criminalize long accepted custom and usage, but the ways in which communities respond to legislation intended to bring established practices under administrative control also depends on how the laws are implemented. Those responsible for applying the various anti-smuggling statutes

often felt themselves trapped between the demands of central government, the expectations of the local elite, and the hostility of the contraband interest.

The revenue officers' refrain was that all their efforts to bring smugglers to book were thwarted by the corruption and contumacy of juries and the deviousness of culprits and their counsel. Reluctant to convict for offences against the revenue laws, juries were quite ready to believe the worst of those whose task it was to check illicit trading and fraudulent practices.

Edward Davies, the Southwold Collector, and his colleagues were taken to court in 1721, charged with trespass, having taken a mare from Charles Waddington, forfeit for carrying contraband brandy. The officers had the backing of the Customs Solicitor, their own attorney and 'most Learned Sergts and Council.' The judge directed the jury to find for the defendants, but:

One juryman would not, & after near 12 hours abstinence and the Assizes being then ended & ready to be adjourned to Norwich, the rest of them for want of Sustenance (as it is denied in those cases) & through fear of being carried to give their verdict at Norwich) he forced them to submit to his obstinate humour & so they gave a verdict & 40 shillings damages to the Plaintiff. I may hence observe that a common Jury in Maritime Counties is not to be depended upon in causes for the King, a great many of such Juries Jurymen being Smuglers & since this scandalous verdict its the direction of the Judges that went the Norfolk Circuit that whenever the like actions are to be tryed again that the Court be moved for a good Jury who probably may have regard to their Oaths and Consciences.⁴⁷

Davies expected juries to be selected in accord with the interests of government. Peter King has established that 'a broad spectrum of social groups used the law and made discretionary decisions within it,' while acknowledging 'this does not necessarily invalidate the view that the law was ultimately controlled by a small gentry elite.'⁴⁸ Study of cases arising under the statutes aimed against smuggling indicates that while the laws and the legal system sustained the interests of a propertied ruling class, the state was autonomous and its legitimacy derived from a confusion of tradition, heredity, and elections. The priorities of central government and its administrative bodies did not always coincide with those of county society, while juries, both grand and petty, were far more ambivalent in their attitudes towards smugglers than when required to try other felonies involving offences against property and persons.

Revenue officers often complained of the difficulties of getting offenders into court and seeing them convicted. In August 1726, Sam Jacombe was sure he had enough witnesses and informations to embark on a successful prosecution against John Tiffen and John Newell for their part in an assault at Burnham Norton on two crew from the Yarmouth smack. Robert Dexter had gone before a magistrate and provided a deposition which could be use as the basis for a charge of incitement to riot. The evidence of the Customs men and one independent witness should have been

sufficient, but then a second witness, Thomas Reynolds, disclosed the identities of several of those concerned but there was no mention of Tiffen or Newell in his testimony. As the time of the trial approached, Jacombe found the prosecution case was disintegrating.

So that when I expected to have Reynolds and Dexter as evidence...I found Dexter was secreted, having been sent out of the way by Newell as it is supposed. And Reynold's would not acknowledge that Tiffen and Newell were in the assault. So I could only move the Court to continue Tiffen and Newell on their recognizance in hopes to find Dexter against the next Assizes.⁴⁹

There were plenty of suspects for the killing of Thomas Carswell. John MacDonald was arrested early on, but Collier, entrusted with preparing the case against him, identified the main problem for the Crown:

There was but one witness, Bartholemew Cross, who positively swore to the prisoner being armed and in the gang of smugglers when the murder was committed, and soon after the Assizes at which the indictment was found, he was either bought off by the gang and sent out of the way or otherwise destroyed by them for he has never since been heard of though all possible endeavours were used.

The four dragoons present at Hurst Green were then in Flanders, and even if they were brought back for the trial, they could not swear to the identity of any individual smuggler. Collier thought it possible a conviction might be obtained under the 1736 Act, the jury preferring to see MacDonald transported rather than hanged. Joseph Lanton,

another suspect taken up soon after the shooting, made his escape from a public house in Battle, greatly assisted by the complicity or incompetence of his escort.⁵⁰ Michael Bath, the dragoon killed in 1744, was the victim of a reprisal for the soldiers' interference, but it proved impossible to find witnesses ready to stand up in court and give evidence in a murder trial. There were men prepared to testify, but, 'they say their consciences will not let them appear against persons to take away their lives who do not deserve death.' They were willing to come forward if the charge was reduced and the accused would only face transportation.⁵¹

The revenue officers were themselves reluctant witnesses, either declining the opportunity to appear in court or affording the prosecution minimal assistance. Collier expressed a strong desire to see Arthur Gray hanged at Tyburn, but anticipated serious difficulties in finding witnesses to his having been with the gangs active along the Kent and Sussex coasts. The reports sent to him of smuggling activities in 1743 and 1744 confirmed that both Arthur and William Gray had taken part in a number of runs. John Darby and Freebody Dray had sighted them six times in all and their colleagues patrolling Romney Marsh certainly witnessed the same trains of pack-horses passing by, even if they were more cautious in recording the smugglers' identities.⁵² In fact John Darby had more reason to be careful than most, being forced to leave his home at Lydd when his life was threatened, and had later to be transferred

to the north Kent coast. The threats had been made by Trip Stanford, Robert and Thomas Fuller, Thomas Powell, and both William and Arthur Grey. The Customs authorities would have liked to have linked the brothers with Carswell's death, but though Arthur was arrested there was not sufficient evidence to convince a grand jury. In December 1747 Henry Simon, Solicitor to the Customs, wrote to Collier to tell him 'he had not the least scrap of information against that fellow except that upon which he now stands indicted,viz. for robbing John Bolton upon the highway in Kent.' That offence could only be dealt with at the county assizes and Simon feared Gray would escape justice:

The man has been very barbarous, outrageous and assiduous in smuggling with firearms and is become extremely formidable and obnoxious to the counties of Kent and Sussex. I think therefore that such a man would very deservedly suffer at Tyburn and that if evidence could be had to convict him capitally as a smuggler, and to bring him to receive his punishment there,it would be a great service to the community.⁵³

Arthur Gray was eventually tried and convicted for his part in running goods near Lydd in August 1746. Prosecuting counsel stressed the need to try smugglers outside their own counties, so 'that the magistrates and other juries might not be afraid of putting the laws in execution.' Gray was presented as 'principal leader' of the Hawkhurst

gang, and 'a terror to the neighbourhood.' The only revenue man called by the prosecution was John Polhill the Lydd Riding Officer, who admitted to having seen a smuggling gang passing through the town on the day in question, but would not identify Gray. The Crown had to rely on John Pelham and Humphrey Hadden for identification, both dismissed as unreliable in a later case, but testifying for the first time at Gray's trial.⁵⁴ Simon wrote to Collier telling him that there were many witnesses appearing for the defence, and 'what I am sure you will think very strange, many are custom house officers. The taking off so brutal a creature I hope will be attended with good consequences.'⁵⁵ Simon's antipathy towards smugglers was so great he advocated their being hunted down like beasts of the chase, and the brutal reality of outlawry was shown in the way some proscribed men were pursued by parties of bounty hunters.⁵⁶ In 1752, John Rich and Thomas Cock were tracked down by a hunting party and discovered at Beck Row, just outside Mildenhall. Cock ran off into the fen, but Rich, having disarmed one man and knocked out two of his teeth, 'received two balls in his body and after that they fractured his skull with their pistols and then tied him hand and foot and brought him to the Cock at Mildenhall where he died next morning.'⁵⁷

Juries were the main cause for complaint when prosecutions failed, but judges could also frustrate the intentions of the revenue services. James 'Trip' Stanford was another

'master smuggler' named by Darby and Dray, and he was also implicated in Carswell's murder, having alerted other members of the Hawkhurst gang to the seizure of their goods and played a full part in the rescue. When Stanford was brought in, Collier anticipated his trial and punishment would strike 'a deadly blow and entirely destroy this nest of vermin.'⁵⁸

Stanford's three counsel submitted that the indictment was incorrectly drawn; their client could not be an accessory to murder, 'For he Hired the Hawkhurst men to Rescue the Goods and not to murder Carswell.' The prosecution argued the manifest probability that the enterprise would lead to violence and possibly death, but the judge would not allow the point of law to be referred to the King's Bench, and Stanford was free to go.⁵⁹ The decision could be seen as an example of the 'extreme solicitude of judges for the rights of the accused' noted by Douglas Hay, but the presence of three counsel for the defence raises the question whether the judge's intervention was necessary 'to mitigate the prohibition against legal counsel in felonies.'⁶⁰ The record for smuggling cases in the 1730s and 1740s, when the accused were facing felony charges, suggests the practice of employing lawyers for the defence was already accepted.

Peter King describes the criminal law as 'a flexible and highly selective system...a private and negotiable process involving personal confrontation rather than bureaucratic procedure.' The system's flexibility, or inconsistency, can be shown using as examples a number

of smugglers' trials; the 'basic principles' underlying the decisions of the courts are not always easily discerned. Young offenders were seen as more corrigible, likely to have been led astray by bad company; healthy indentured servants were needed in the colonies, making commutation of the death penalty a practical step, and juries were well aware of the extra burden placed on the Poor Rate when a family lost its breadwinner. 'Apart from a general bias against pardoning highway robbers and burglars, the main factors that persuaded the judge to lean against the prisoner were excessive violence, breaches of trust, and the need for a public example against a particular kind of crime.'⁶¹

'Excessive violence,' like 'reasonable force,' allows for a measure of interpretation and individual discretion. The outcomes of a number of cases, some of them involving murderous violence connected with the contraband trade, support the claim that, 'individuals and communities were highly selective in their approach to the law and its institutions.' Juries can be regarded as both part of the machinery of the law and as representatives of the community.

Five men were arrested and tried for the murder of Richard Hill on St Margaret's beach in 1732. Richard Graves, John Woding and William Dearing were acquitted on that count, but found guilty of smuggling and sentenced to seven years transportation. 'One Woolet, an alehousekeeper, who kept the arms for the smugglers, was fined 20 marks and

to suffer two years imprisonment and to find security for his good behaviour for seven years.' Stephen French was fined five marks and sentenced to two years in prison and one Pattingdon 'who committed the murder, was ordered to be outlawed.' Under the terms of the 1721 Act anyone resisting a Customs officer in the execution of his duties risked a sentence of seven years transportation, yet here the lesser offence of smuggling was punished, rather than the capital crime of murder.⁶² By way of contrast, the Suffolk jury sent two men to the gallows for the killing of William Cam when the available evidence indicated they had played only secondary roles in the affray. William Clarke, John Harvey and William Neale were reported to have started the shooting, and Clarke was thought to have fired the fatal shot. Proscribed and brought in more than ten years later, none of these men was ever tried for Cam's death.⁶³

John Beattie argues there was a marked move away from 'the high tolerance in the middle of the eighteenth century of physical violence itself.'⁶⁴ The difficulties in reaching firm conclusions with respect to communal attitudes toward violence have been explored with reference to John Rule's idea that certain social crimes in themselves legitimised extremes of violence. Juries were more sympathetic toward smugglers who attacked and murdered revenue officers than they were when soldiers had been the victims, and it is hard to make out any great advance in public sensibilities in these eighteenth-century smuggling cases.

William Odgers, the Penzance officer, was murdered in March 1768, in the process of removing a seizure to the King's warehouse. Melchisdeck Kinsman, the main culprit, was at first thought to have escaped to the Channel Isles or America, but he had never left Cornwall. Such was the protection provided by their fellow tin miners, 'The Murderers are seen publickly in their Neighbourhood & its thought at night sleep in their usual habitations.'⁶⁵ Captain Buck, commanding officer at Penzance, was asked to send out a party of soldiers to bring in the culprits but he 'thought a High Constable with a Warrant from a Justice of the Peace cannot to him be sufficient Authority for repelling Force with Force should a Rescue be attempted.'⁶⁶ The chief prosecution witness, Alexander Hampton, had been approached by 'an Agent for the Murderers' and offered £50 to quit the country and stay away for two years. There was a fear that the wanted men would surrender on the eve of the assizes, so catching the prosecution unawares. In the event, Kinsman's confederates handed him over 'in order to save their own lives.'⁶⁷ They were still put on trial so there were *four prisoners before the court, and* the Board was determined on securing a conviction. 'Mr Sergt Davy, Mr Sergt Burland, Mr Thurlow & Mr Mansfield had Briefs on behalf of the Crown and all attended during the whole Tryal. Mr Sergt Plyn, Mr Hodgekin & Mr Impey were for the Prisoners.' The Penzance Collector observed that the smugglers had money, and this legal representation would have been expensive.

The Tryal lasted upwards of eleven hours when the Facts were fully & clearly proved, particularly against Kinsman in the most flagrant Manner, notwithstanding which the Jury (contrary to the Opinion of the whole Court) found them severally not Guilty.'⁶⁸

The Collector suspected the jury, named some days in advance, had been suborned by 'the Prisoners & their Friends which were numerous about them & had great plenty of Money.' Mansfield assured the Customs officials that the smugglers' guilt had been proved beyond any reasonable doubt and 'it was one of the clearest cases in favour of the Prosecution that was ever brought before a Court and he was amazed at the verdict.' The county was convinced the jury had been 'corrupted with Money.'⁶⁹

A decade later Edward Giddy a Cornish magistrate, stated there was little point in the Revenue bringing cases to court. 'I fear a criminal prosecution would have been useless for the reason which it shocks me to mention, that a Cornish jury would certainly acquit the smugglers.' The Collector, asked to comment on Giddy's remarks, felt the magistrate had been 'too severe On his Country Men the Cornish Jury, we hope there are many honest men in the County tho too many Smugglers.' Giddy had also questioned some of the practices of the Customs service.⁷⁰

The acquittal of Kimbell and Gunton after the killings at Snettisham showed juries did not need to be bribed before freeing murderous smugglers, whatever the evidence presented.

In that case, the jurors may have expressed local feeling, outraged by the death of an innocent bystander when the West Norfolk Militia went to arrest Thomas Franklin at Thornham.⁷¹

William Owen was initially wanted by the Customs service for firing on a cruiser off the Welsh coast. When he put into Cardigan the Collector sent a boarding party to Owen's cutter in order to arrest him. After a brief conversation, Owen made it clear he was not going to surrender peacefully and shot James Phillips dead through the window of the captain's cabin. In a subsequent exchange of fire, three more men were killed and Owen was able to leave the port, escaping to the Isle of Man. After some months moving between Man, Ireland and Wales, Owen was forced to give himself up to the Manx authorities. His wife had been arrested, cutting him off the regular food supplies to his hiding place in the hills. With two of his crew he was brought over to Liverpool in October 1744 and then taken to Hereford.⁷² The assumption was that an English jury from an inland county would be less sympathetic towards a smuggler than one from Cardiganshire.

Owen and two of his crew, John Callowe and William Carron, were charged with the murders of James Phillips and Domingo St Sebastian. The jury acquitted them on that charge, but found them guilty of the lesser offence of manslaughter,

for which the penalty was burning in the hand. Owen was free to return to his various nefarious activities until arrested for burglary and indicted for another murder. He and John Lily had broken into a house and robbed it, shooting a servant in the process. Then, trying to escape a posse, Lily and Owen between them brought down and then shot dead one of their pursuers. Finally Owen killed his associate and that was the offence for which he was hanged after a trial at the Carmarthen assizes in April 1747. Owen had been responsible for six deaths in Wales, and by his own account he had dispatched 25 Spanish guardacosta during an encounter in the Caribbean.⁷³ Why the Hereford jury decided to convict for manslaughter rather than murder is difficult to understand except as a demonstration of sympathy for his profession, even when it involved extreme violence.

Tomkin escaped conviction for Gerard Reeves's murder and won a pardon for his early return from New Providence when he gave information to Sir John Cope's committee. His later involvement with the Hawkhurst gang laid him open to proclamation in the London Gazette but he went on escaping retribution until brought to court accused of robbing the Chester mail. A Bedfordshire jury found him guilty and Tomkin was hanged at Hockcliffe in 1750.⁷⁴

A number of smugglers were put on trial at the county assizes in the late 1740s and early 1750s; many of them were convicted and punished, but not for running contraband or assaults against the preventive forces; they were indicted

for house-breaking and robbery on the highway. Contemporaries attributed this diversification to the difficulties created by the reduction in the excise duty on tea, and the effects of the 1746 Act. The smugglers had lost their trade, could not follow any honest employ, their lives being forfeit, and while they did live they would not starve.'⁷⁵

At the East Grinstead assizes in 1749, John Brown was convicted for highway robbery and Lawrence and Thomas Kemp were found guilty of housebreaking. Stephen Rose was convicted of horse stealing, and Richard Savage for stealing wrecked goods from the Lewes waggon. All were described as smugglers and the main prosecution witnesses, Francis Doe, Thomas 'Coachman' Winter and Thomas Dixon were former smuggling associates of the accused. John 'Smoaker' Mills, involved with the Kemps, was sentenced to death for his part in the murder of Richard Hawkins, killed on the orders of Jeremiah Curteis. Robert Fuller was charged with theft, but he was brought to Sussex from the Surrey county gaol, where he was detained for smuggling offences. Jacob Pring testified to Fuller's involvement in a number of highway robberies while the report on the trials maintained he had been present when Carswell was shot, along with the Kemps, Thomas Potter, William Priggs, James Bartlet and Stephen Diprose. The last three were tried at the Rochester assizes for robbery, and Potter was convicted as a horse thief.⁷⁶

John Nodes, the Ipswich Riding Officer, had a warrant for the arrest of suspected housebreakers and used it to bring in known smugglers. Thomas Catchpole was taken to London, tried at the Old Bailey and executed at Tyburn. Thomas 'White Eyes' Fidgett, wanted for the murder of John Mills at Felixstowe in 1742, was convicted at Chelmsford in 1752, one of the few smugglers to hang for killing a revenue officer.⁷⁷ James Cunningham, Thomas Brooks and Francis Mayhew were held in Newgate, charged with smuggling offences, but were then brought back to Suffolk to face trial for robbery at a house in Blakenham. All three were convicted and executed, as was Robert Clarke, another smuggler turned housebreaker.⁷⁸

Having surveyed the situation in the later 1740s, Frank McLynn concludes that 'The ease with which smugglers were able to diversify into other felonies argues against their status as primitive rebels and makes them appear more as professional criminals.'⁷⁹ Many of the practices linked with smuggling were anti-social crimes of a very recognizable kind, but any generalisation needs testing against the evidence. Jack Fuller was a gunfounder, plantation owner and Sussex magistrate with little liking for either smugglers or revenue officers. In July 1747 Fuller's brother arrived home and told of an encounter with a pair of highwaymen on Darwell Hill, a few miles to the south of Hawkhurst. Fuller proclaimed a hue and cry and 'ordered out two Parties of my late Soldiers arm'd to search every House in a Circle of Five Miles in the Night.' Another party, made up of Fuller's servants, tracked down one suspect and he led them to his companion. 'Malcolm' a former army

sergeant, managed to seize one man, but could not risk shooting the other without being sure these were the culprits. The man taken was William Pierce, who named his associate as William Marchant, 'one of the Hawkhurst Heros that attacked Goudhurst.' Nevertheless, soon after Pierce's removal to Horsham gaol, another Hawkhurst man came to Fuller and swore that if Marchant was still in Kent, the smugglers would deliver him up to the authorities. When one of the search parties rode into Hawkhurst, a number of smugglers approached 'and asked their business their [Sic] arm'd, & said if they only came after the Highwaymen t'was very well'.⁸¹ In an earlier incident Pierce and Marchant had tried to extract £30 from 'young Chester' holding him up on the road and claiming an unpaid debt:

the Demand was made on the Kings high Road & after they had putt him in Fear for several Hours, he, Chester, jumped off his Horse & claim'd Will Gray's Protection, who thrash'd WM very severely & next Day saw Chester safe Home.⁸²

Neither of the Grays had taken part in the raid on Goudhurst, and the willingness to hand over Marchant and Pierce could have stemmed from an internal feud. Alternatively, the smugglers were trying to maintain a distinction between criminal practices and their own activities, just as when they broke into the King's warehouses they took care to remove only their own confiscated goods.

Jack Fuller's concern was that Marchant would be rescued by Trip Stanford, who had employed him shortly before. The Duke of Newcastle was advised that Stanford and Gray were so 'imensly [Sic] rich' they could afford to corrupt any number of soldiers and Marchant managed his escape with another prisoner as they were escorted from Maidstone to Lewes to await trial. The dragoons were dismounted, the deputy keeper of the gaol had removed one man's fetters, and the horse they were on was walking free.⁸³ Fuller took the opportunity to attack the agencies of central government:

Tis with the most melancholy Reflections we observe that when a lawless & abandoned Sett of Men have render'd themselves powerfull & triumph'd over the Civil Power, that when the Legislature have shewn their Intentions to suppress them by the most vigorous Law that ever was made; the Sting of the Law & the Vigilance of the Magistrate is frustrated by the Negligence of the Persons to whom Criminals are committed; the active Constables & other inferior Officers who at the Perill of their Lives execute the Orders of their Superiors, the Witnesses who at the same Perill enter into Recognizances to prosecute at their own Expence Offenders, see all their Endeavours fruitless & their Time & Money thrown away, We the Magistrates despair when all our Power is defeated & cannot bear any longer to have the Cry, the Reproach & the Censure of the whole Nation thrown upon this County when we have endeavour'd by every Means & Method to Putt the Laws in Execution.⁸⁴

Faced with the threat of resignation en masse from the commission of the peace, George II intervened, assuring Fuller that the efforts of the Sussex magistrates were much appreciated, and pressing Newcastle to take action.⁸⁵

The years following the American War of Independence saw rising crime figures and 'a particularly high hanging rate on the home circuit.' Convicts could no longer be sent to the former American colonies and the prisons were becoming overcrowded; 'a generally harsher policy towards certain capital offences (notably highway robbery and burglary) was pursued.'⁸⁶ Belief that criminal activity is on the increase promoted demands for more exemplary punishments and harsher treatment of offenders though sentencing policy in the 1780s rested on practical as well as retributive considerations. The fate of some Norfolk and Suffolk offenders at that time supports the argument that smugglers engaging in other crimes could not rely on friendly juries.

John Euston and John Love carried out a series of highway robberies around Diss and Scole in November 1780. Following further hold-ups on the turnpike road between Hockering and Easton the Norwich Mercury identified one of the culprits and suggested the highwaymen, 'from their appearances and speeches,' belonged to 'a large smuggling party.' Both men were arrested at Swaffham and committed to Norwich Castle, where they admitted they belonged to a gang of smugglers,'who have so long and more particularly

of late infested the County.' Details of other offences emerged once they were in gaol, and it was thought the intention behind the robberies was to acquire capital to invest in the contraband trade. William Smith, a third suspect was brought to the Castle and all three were convicted of highway robbery at the Norwich assizes. John Love, and William Smith were hanged but Euston remained in gaol until the next assizes, when he was again remanded in custody. Finally a pardon was granted on condition he entered the service of the East India Company, but Euston was re-arrested nine months later, he he claimed the surgeons had turned him down on medical grounds.⁸⁷ John Crome was executed at Norwich in August 1787. The event was impressively staged; Crome processed slowly round the prison yard, his coffin carried behind him, before addressing his fellow prisoners:

beseeching them to pay a proper regard to the duties of the sabbath, and avoid the pernicious and fatal conduct of smuggling, fatal to him as being the chief cause of his untimely end.⁸⁸

Crome had been tried and convicted for highway robbery, but the authorities were keen to use him as part of a campaign against the evils of the contraband trade. William Sampson and Joseph Lambert were sentenced to death at the Suffolk assizes in March 1784. Their offence was burglary, but before sentence was executed on Rushmere Heath, 'they particularly reminded' the onlookers 'to abstain from smuggling, declaring that to be their first approach to greater crimes.'⁸⁹ Thomas Clarke, John Deane and Thomas Carty were tried and convicted at Bury St Edmunds in 1785 for attacking Thomas Marsh and robbing him of 183 dollars;

assizes two months later he noted how 'Our honest country men the Sussex jury continue to do their duty, having capitally convicted six notorious smugglers' at East Grinstead.⁹⁶

Four more smugglers were executed for horse stealing and robbery at the Kent assizes that summer, while James Toby was the first man to suffer under a new statute, passed in 1744, making the owling of wool a capital offence. John Green, another small scale smuggler charged under the 1746 Act, had a trial lasting five hours while the jury deliberated for another five before bringing in a guilty verdict at three o'clock in the morning. William Potter, John Hales and John Prior were all transported for armed smuggling, but Thomas Prior and Sam Pritchett, charged with assisting in the escape from Maidstone gaol, were discharged. William Wells was convicted for running half a hundredweight of tea, and rescuing it after seizure.⁹⁷

Congratulating Richmond on the results achieved at Chichester, Henry Simon contrasted the outcome with the failure to bring a successful prosecution against anyone concerned in Carswell's murder; 'the best endeavours of the Board of Revenue on prosecutions of this sort must fall short unless they are seconded and supported by the spirit and exertion of the country.'⁹⁸ The leaders of county society had to provide a clear indication of their personal support if the law was to be used effectively against smugglers, the point made more forcefully by Jack Fuller.

These divisions within the propertied elite do not automatically nullify the notion of a ruling class interest

in the administration of the law, but there is a need to trace the intricate networks linking different elites, and structuring the relationships between governors and governed. These contributed greatly to the effective working of the legal system and helped legitimise the exercise of power.

Juries did acquit in the face of the evidence but they were not invariably on the side of the free traders. John 'Giffling Jack' Carbold's efforts to win a pardon came to nothing and he returned to the contraband trade until his arrest and trial at the Old Bailey in 1750. Prior to his execution, Carbold admitted 'he was a great smuggler, but said little did he think that it would have cost him his life.' John Doe, hanged at the same time as Carbold, confessed to being a smuggler, but 'was never a man that was riotous and troublesome to his neighbours' conducting his business 'quietly and without interruption.' Charles 'Papist' Gowan, a third victim, said that 'If being a smuggler deserved death, he had his due,' but it was clear all three men felt caught up in a legal process which had more to do with expressing governmental disapproval of an established way of life than with the punishment of specific crimes.⁹⁹

IV

Smugglers at the Old Bailey

The 1736 and 1746 Acts provided for cases involving armed smuggling and assaults on revenue officers to be heard at assizes outside the county where the offence was committed. The revenue authorities took advantage of this

and a number of smugglers from East Anglia, Kent and Sussex, were tried at the Old Bailey. Smugglers who offered resistance to the waterguard ran the risk of being brought before the High Court of Admiralty, which also sat at the Old Bailey. George Coombes and his co-defendants appeared there, accused of the murder of William Allen, in Christchurch harbour in 1784, and so did the Ruxley gang.¹⁰⁰ The Hastings privateers who took out commissions during the Seven Years War were more interested in piracy and smuggling than legitimate prizes. Edward Milward, working with the Excise officers and the Royal Navy commanders assisting the Revenue, wanted to arrest and prosecute as many of the culprits as possible. Taken up and shipped to London in 1768, they were charged with piracy, not smuggling, and tried before the Admiralty judges. Twenty-three men were arrested, but several died in custody. Thirteen were put on trial for boarding a single Dutch vessel and stealing a quantity of hats; for this, five men were sentenced to death. A deliberate campaign of disinformation after the trials created the impression that the Hastings pirates had been vicious murderers but there was no evidence that they ever killed anyone.¹⁰¹

The 1746 Act stated that the provision for trials to be held outside the county where the offence was committed was intended to ensure impartiality. Taking cases to the Old Bailey was supposed to reduce the prospect that juries would be intimidated or corrupted by associates of the accused, but this was to underestimate the smugglers'

resources. Nor is it self-evident that London juries would be more sympathetic to the requirements of government than their compeers in the counties, where the trial juries were drawn from 'the middling groups: farmers, tradesmen and artisans', and though the property qualification for jury service in London and Middlesex did not depend on the possession of freehold property or landholding, petty jurymen were still drawn from the same social sector.¹⁰² Thomas Green maintains that following the changes made to the property qualifications in 1730, 'Jury service became a more respectable activity ...the Crown relied on fewer, hence more experienced persons, individuals drawn from the higher ranks of the very large class of persons that remained the target of summons for trial jury service.'¹⁰³ Green is suggesting such juries were predisposed in favour of government and good order. Peter Linebaugh also sees the Old Bailey juries as likely to favour Crown prosecutions, in that they were alert to the instructions and predilections of the judges, who were themselves part of the ruling elite, with a vested interest in maintaining the established order in society, and who would look on organized banditry with scant sympathy:

Recent studies of income stratification of eighteenth-century London show that two-thirds of the inhabitants were too poor to even pay taxes, much less own freehold lands or tenements. 'Middle class' or 'middle rank' actually refers to the weakest part of the powerful minority of the propertied. It was precisely this rank

...that was most susceptible to the crippling ties of clientage and dependency characterizing municipal politics. Such people had more face-to-face dealings and neighbourly ties with the 'loose and disorderly' than their richer brethren. The social class of the juror will also have been the social class of the creditor, the landlord, the masters, the employers, the constables and the overseers of the defendants. That social class too, will have provided many of the victims of thefts and misappropriations.

Besides the jurymen identifying with the property owning classes, there were more pressing reasons for them wishing to accommodate the judges. It took 'an extraordinarily courageous, conscientious juror to defy the judge's directions as to the law and the evidence' since not only did the staging of the trial give the bench an advantage, but the judges 'could dispense small favours and payments to jurors, excuse them from panels or allow them to serve again, and keep them from their dinners.'¹⁰⁴

Linebaugh seems determined to present the Old Bailey juries as the agents of the ruling class, whether composed of men of substance, perceiving themselves as part of the propertied elite, or acting under subtle forms of duress. The smugglers who appeared in the dock at the Old Bailey presented something of an obstacle to this social determinism. The accused were from Kent, Sussex and East Anglia, and did not pose a direct threat to London's 'middling sort'; in fact, apothecaries, spirit dealers, innkeepers and grocers were quite likely to be among the smugglers' customers.

The smuggling cases heard at the Old Bailey between 1746 and 1753, the initial period of operation for the 1746 statute, provide a valuable source for both the study of the contraband trade and the workings of the law. J.S.Cockburn has noted that from at least the 1730s:

Kent and the adjoining county of Sussex were the scene of widespread smuggling. Clashes between the excise officers and bands of smugglers transporting or attempting to recapture consignments of tea and spirits were extremely violent and involved the use of swords and firearms on both sides. Inexplicably, the fierce battles of the 1740s which left at least two smugglers dead at Goudhurst in 1747 have left no trace in the assize records.¹⁰⁵

The affray at Goudhurst was unusual for the lack of official reports; other incidents were reported and offenders tried at the county assizes, but the majority of East Anglian and Kent and Sussex smuggling cases, brought under the new legislation, were heard in London, which explains the lack of documentation in the records of the circuit judges. Whatever their reasons, class solidarity, a belief that smuggling threatened the proper social order, or a desire to please the administrators of the law, the Old Bailey juries were more disposed to convict than acquit those charged under the 1736 and 1746 Acts. Out of the 60 men brought to court, 40 were found guilty, 12 were acquitted, six pleaded guilty and two were released when the Crown failed to produce any evidence.

The Attorney-General and Solicitor-General conducted the earlier prosecutions and used their opening addresses to explain and justify the anti-smuggling statutes. The revenue had to be safeguarded, the fair trader protected, and a menace to public order contained:

Smugglers are grown to that Pass that they are too big for the Law itself; everybody knows what Riots and Tumults and open Violence in Contempt of the Laws of the Country and indeed setting the civil Magistrates at Defiance.¹⁰⁶

Smuggling was so prevalent in some counties, and conducted with such force, 'the Inhabitants know not how to lie safe in their Beds for fear of them.' The practice had developed into 'a kind of rebellion...no Magistrate or officer where they reign...can put any laws in execution against them...tis now a struggle between government and this banditti which shall get the better.'¹⁰⁷ Aware of the objections to prosecutions dependent on the testimony of King's evidences, the Crown side argued it was impossible for anyone else to get near enough to the gangs to recognise individuals, or to say for certain what weapons they had or what goods they were carrying.¹⁰⁸

Looked at separately, the trials suggest considerable care on the part of the prosecution, but when the cases are compared it is apparent that the same witnesses were being paraded time after time identifying different smugglers, all supposed to have been engaged in the one landing and informants were given credence when they listed

precisely which of their associates had been present at various runs over a period of weeks or months. Having to repeat accounts in the witness box, and respond to cross examination, made for inconsistencies and contradictions.

Abraham Bailey described himself as a 'sometime customs watchman and keeper of a Yarmouth coffee house'.¹⁰⁹ His unwelcome arrival at Horsey in March 1747 had all the marks of a would-be informant intent on earning some reward money. As a witness he proved both serviceable and inventive; at Robert Cunningham's trial Bailey maintained that he could only swear to the identity of James Holt among the smugglers who assaulted him. Bailey had been dragged from his lodgings in a Horsey inn, beaten, threatened with a case-knife placed against his throat, half-strangled, and tied up to a tree all night. When it came to the trial of James Smith, Bailey straightaway recognised him as one of those concerned in the attack. 'They put me across a stick and made me what they call their member of parliament.' Smith stood out because his face had been blackened, and 'the old smugglers' had fuddled him with drink and 'dressed him up with pistols in an odd manner.' Bailey's memory improved as further cases came to court. John Peters and John 'Cockeye' Carbold were also among his assailants. By this time the stick he had been made to ride had become a gun, he had been flayed with whips, rather than beaten with a thong, and the caseknife had grown 'as long as a hanger'.¹¹⁰

The other main prosecution witness identifying the smugglers at Horsey was John Leader, a King's evidence who testified to the identities of a number of smugglers concerned in different runs on the Suffolk coast. 'Reasonable doubt' was no reason for acquittal at this time. James Watling was convicted of running goods at Benacre in September 1746 but the jury did recommend transportation rather than the death penalty, 'Upon Account of some Difficulty which they said they were under in Relation to his being Guilty of this particular Fact as charged upon him by Leader's Evidence.'¹¹¹ Leader was charged with swearing to the identities of men he had never seen before, and of recruiting prosecution witnesses in the local taverns and coffee houses. Both prosecution and defence relied on professional evidences, plying for hire about the Old Bailey, and John Carr, recruited by Leader, admitted to knowing a Mr Kelly, an Irish Catholic, more usually engaged to look after the smugglers interests:

He has his assurance from his country and his principles from his religion or from hell itself...he has 40 or 50 fellows of his own country and religion at his command who are ever ready to swear whatever he cares to dictate.'¹¹²

John Collier and Henry Simon complained of the difficulty in finding witnesses against the Grays and other smugglers from the Weald. Thomas Clare and John Polhill, Riding Officers at Hythe and Lydd, were able to produce a pair of witnesses, John Pelham and Humphrey Hatton, accurately described by Arthur Gray; 'These fellows, before they would go to work, would swear away a man's life for anything.'¹¹³

Hatton had worked as an ostler at the George Inn, Lydd, where the smugglers often stopped on their way to and from the sea shore and he claimed to have seen Gray and James Sandiland among a party of smugglers near Lydd in August 1746. Both the prisoners were convicted on the eye-witness accounts of Hatton and Pelham. James Shepherd, accused of taking part in a separate run near Lydd the same year, presented a very well organized defence. Witnesses and documentation were produced to show he was in Winchester at the time of the alleged offence, and the characters of the prosecution witnesses came under scrutiny. William Temple and John Lee, magistrates from Lydd, came into the court to give their assessments of Pelham and Hatton. They led 'idle sort of lives and their oaths would not be credited where they came from...these people are reputed to get their living no other way but by attending at this place.'¹¹⁴ Embarrassed by these revelations, the Crown decided not to proceed with the case. Gray had been disposed of, and a couple of corruptible evidences had served their main purpose.

Christopher Barrett's informing career began in 1747. According to Barrett, he was present when landings occurred at places as far apart as Reculver and Folkestone Warren on the Kent coast and was able to name several participants. There was no corroborative detail and the process of identification was highly questionable. Thomas Puryour was committed for a breach of the peace, but his carrying a brace of pistols led the arresting officers to suspect

he was a smuggler and place an advertisement in the East Kent Post. The Folkestone Customs officers had Barrett and Robert

Worthington 'take an Inspection of the Prisoner' in Canterbury gaol where they 'immediately knew him and said that he was one of the Hawkhurst Gang...and that he went by the name of Blacktooth and was one of the foremost and most desperate of the gang.'¹¹⁵ Puryour was certainly a Hawkhurst smuggler, but his name is not among those proclaimed in the London Gazette for running contraband at Sandgate, Folkestone, Reculver and Chislet in February and March 1747. In court, the Attorney-General described Puryour as:

a frequent Companion of these Smugglers who have upon all occasion appeared in Arms at the Sea Side upon the News of any Smuggling Cutters that were ready to land uncustomed Goods, he has been from time to time employed in taking these Goods from the Ship, in assisting and carrying them off and of converting the Benefit and Share of them to his own proper use.¹¹⁶

From this account, Puryour was one of the many casual assistants taken on as loaders and porters and paid with a tub of spirits or a few pounds of tea. It is doubtful a London jury would have appreciated the extent to which the Attorney-General's speech contradicted Barrett's version that the accused was a major figure in the Hawkhurst gang.

The objective was to see smugglers executed or transported, and other offenders identified by Barrett were well known figures; Thomas Kemp, Richard Mapesden and Uriah Creed were brought to trial on the strength of his evidence, and the latter pair convicted. No revenue men would admit

to knowing of any of the men engaged in these East Kent operations, and whatever criticisms might be made of the use of compliant informants, they were an integral part of the policing process. Ruth Paley's study of the London thief-takers in the mid-century years argues that the judges were aware that the legal system was being corrupted, and that the officers of the law were a part of the process:

As the man who authorized the distribution of rewards, the Recorder was in a position to know just how often thieftakers stood to profit from a conviction. He more than anyone else was best placed to note the distinctive and repetitive patterns of conspiratorial prosecutions. At best the conduct of successive Recorders amounts to malicious complacency; at worst one is led to suspect outright corruption.¹¹⁷

The judges, lawyers, and more experienced jurors must have been equally aware of what was happening in the prosecutions brought against the smugglers. The Old Bailey was both a court of law and a theatre; these smuggling trials developed a distinct format with which jurors must have become familiar. The prosecution prologue would portray a scene of depredation and intimidation in the coastal counties serious enough to endanger social and political order. Next would appear the Crown witnesses, well rehearsed to begin with and gaining in confidence with repeat performances unless subject to determined cross examination. Then, if the prisoners could afford it, the defence witnesses would provide alibis, give testimony

to character, or try to discredit the prosecution side. Conviction or acquittal rested as much on the jury's judgement of the performance as on any objective assessment of the evidence presented. John Shepherd's defence was particularly thorough, but when John Carbolt and Edward Brooke adopted similar tactics, they failed to convince the jury. The mistake made by Sam Austin's defence was over-elaboration; Thomas Cook, who supplied Austin's alibi, was his stepson, a fact concealed from the jury. Henry Simon believed that the prosecution eliciting the truth on this point decided the verdict. Edmund Henley, indicted for running goods at North Foreland in April 1746, was able to produce a dozen witnesses to establish an alibi and provide character references. The Crown had only the one witness, Richard Smith, one of the leaders of the smuggling gangs working on Romney Marsh in the 1740s. Aware of Smith's background, the defence was able to discredit him and secure an acquittal, but in an unrelated perjury case Mary Swindon testified to having once employed Edward Dixon, 'who was also in the pay of one Ned Henley a Smuggler.'¹¹⁸ Many of those tried at the Old Bailey had well documented smuggling careers and could not complain they were the victims of an arbitrary administrative machine system, yet attempts to correlate the evidence presented in court with the verdicts reached confirm Green's conclusion that 'the development of a formal law of evidence in criminal cases is difficult to discern before the late eighteenth century.'¹¹⁹

The 1746 Act removed the requirement for a jury to decide whether or not an accused smuggler had committed the offence of which he was accused. Any smuggler who failed to surrender forty days after proclamation in the London Gazette and in the two market towns closest to his supposed crime, was guilty of a capital offence. At William Rowland's trial this provision in the statute was justified on the grounds that it was difficult to get witnesses to appear in open court and magistrates were sometimes reluctant to take informations. Prosecuting counsel told the jury, 'Gentlemen, you have nothing to do whether the prisoner is guilty of this offence, you are only to try whether he is guilty of the several facts stated by the Attorney General.' As long as every step in the proclamation process had been properly executed then the accused could be sentenced.. The jury wanted to know 'whether it should not be proved that this is the man meant in the order published in the Gazette 'but were assured it was for the prisoner to prove he was not the William Rowland intended; they found him guilty and he was sentenced to death.¹²⁰ Some smugglers successfully invoked legal technicalities in their defence. Robert Cunningham's counsel challenged the description of Dunwich as a market town, drawing a comparison with Old Sarum, another decayed parliamentary constituency, and pointed out that there were three Robert Cunninghams in Wingfield, his client's domicile. No witness

could be produced at Richard Mapesden's first trial to affirm he was proclaimed at Canterbury and Sandwich, and John Harvey, prominent in the party which rescued a seizure at Hadleigh and killed William Cam a decade earlier, was able to convince one jury there was a possibility of mistaken identity when he was proscribed for a later smuggling offence. John Baker brought witnesses along to show there were three men of that name living in Hadleigh and he had no way of knowing he was the one intended. Others were less fortunate; Francis Andrews and Benjamin Watts, John Carbold, Charles Gowan and John Doe were hanged on the untested accusations of informants.¹²¹

V

Uncommon Criminals: Smugglers, Authority and the Law

It is very hard to find figures worthy of romance, even social romance, among the shoplifters, pickpockets, pilferring housemaids and dishonest apprentices who populated the Old Bailey dock...To turn these little crooks into class warriors one must wear rose coloured glasses of the deepest hue.¹²²

This was John Langbein's conclusion, having considered the miscreants appearing at the Old Bailey. Smuggling was a matter of commercial calculation, hard physical labour, skilled seamanship, and violent confrontations. It was not romantic but it did provide more stimulation than many

other occupations. Langbein's analysis of the Old Bailey proceedings does not address the issue of smuggling as a social crime; his selection of period for study omits the seven years during which the 1746 Act was effective. Since it is Cal Winslow's 'Sussex Smugglers,' more than any other law breakers in 'Albions Fatal Tree' who are presented as social rebels fighting against the forces of commercial capitalism, Langbein's argument would have greater impact if his assessment had been extended to include these offenders rather than establishing the mundaneness of many prisoners appearing at the Old Bailey. Langbein suggests the criminal justice system may have occupied:

a place not much more central than the garbage collection system. True, if the garbage is not collected the society cannot operate and ruling class goals will be frustrated, but that does not turn garbage collection into a ruling class conspiracy.'¹²³

The criminal code had wide scope, ranging from political offences such as seditious libel to interfering with fish ponds under the Black Act. 'Garbage collection' is a feeble metaphor when trying to assess the role of the law and its institutions in securing a measure of social order. Identifying the proper functioning of that society with the attainment of 'ruling class goals' gives tacit approval to the propertied elite's dominance of the major social institutions and nullifies the concept of social crime when it is clear there were different perceptions respecting the legitimacy of the laws and the means of their enforcement.

Douglas Hay sees the eighteenth-century criminal trial as part of the process of asserting and reinforcing the dominance of the ruling class, but it was:

an elaborate ritual of the irrational. The power of light and darkness were summoned into court with the black cap which was donned to pronounce sentence of death, and the spotless white gloves worn at the end of a 'maiden assize' when no prisoners were to be left for execution.¹²⁴

A process which could end with death by slow strangulation followed by dissection or gibbeting needed the dignity of ritual. To reduce the administration of the law to the removal of refuse is to simplify a complex social process and, according to T.H.Green:

The legal system as it was in fact devised, with its superabundant claims upon the lives of men, would have been intolerable had it not in practice accommodated the realities of contemporary social life, had it not reflected how far England's rulers, both in their brutality and their leniency, had adopted the standards and approaches to law enforcement of those they ruled.¹²⁵

This picture of legal administration as a series of interlocks helping sustain social coherence, can be supported by evidence drawn from the petitions submitted by and on behalf of smugglers facing lengthy imprisonment, transportation, or execution. The wording of these appeals, the selection of intermediaries, and the communications between magnates, ministers, judges and local dignitaries, indicate an understanding of the subtleties of government and the networks sustaining elite authority.

There were offenders who could do little more than plead youthful indiscretion and the consequences of keeping bad company. John Catt was only eighteen when he was injured and captured during a run on the Sussex coast. His cousin, Jane Smith, approached the Duke of Newcastle through his wife, noting that Catt was likely to 'suffer Death for the first Fact, which Housebreakers and common fellons seldom do.'¹²⁶ Thomas Tickner made the same comparison in the case of his brother Peter, 'had he been a Thefe or Highway Man...I would not have Troubled any Noble Person.'¹²⁷ The Tuckers drew attention to their anti-Jacobite services as grounds for a pardon, and Jacob Pring pointed out that he had brought the first news of the Young Pretender sailing from France. They also maintained that they had never been concerned in any murders or robberies, a recurrent theme in the smugglers' petitions. The preface to Albion's Fatal Tree maintains that distinctions between what was, and was not criminal, were 'not based on inhibitions upon violence.'¹²⁸ But there was a belief that a reputation for non-violence, and good standing in the community, were strong mitigating factors. Robert Davey made the mistake of relying on errors in the drafting of the proclamation in the London Gazette as an adequate defence and failed to surrender. The prosecution ensured their informant was in court to identify Davey, and the jury would not accept a mistake in the spelling of his name as a valid reason

for failing to turn himself in. William Windham and Zachary Fonnereau, Aldeburgh's MPs, the bailiffs and burgesses, James Benett, a local clergyman, and two revenue officers, all appealed on Davey's behalf. Not only was he a peaceable man, but he had 'at all times been the Protector and Defender of the Lives and Persons of the Officers of the Revenue.' John Say, once a Riding Officer at Dunwich, owed his life to Davey, who rescued him from a gang 'who had carried him bound with a Halter about his Neck for several Miles towards a Gallows where they proposed to hang him.' Say was 'so sensible of the Obligation that a few hours before his death at receiving the Holy Sacrament' he desired that James Bennett do all he could for Davey if he ever 'fell into the hands of justice.' But for the fact that he had been a smuggler, 'no man would have deserved a better Character.'¹²⁹

The difficulty with these petitions is that while they may well have reflected local sentiments, and popular understandings of the concept of justice, those in authority might have been more concerned with exemplary punishments than the circumstances of individual cases. When the 'Transports' were convicted and sentenced at the Sussex assizes, the Hastings jurors submitted a petition to Newcastle, stressing how William Harman had saved one of the boarding crew from drowning.¹³⁰ Yet writing to the Duke in his private capacity, Collier described the rest of the smugglers as 'vile, lechering fellows that really

deserve no compassion', and whose punishment would serve as a deterrent to other Hastings men with an inclination to take up the contraband trade.¹³¹ Both of the letters to Newcastle pointed out that Harman was a freeholder 'and voted in your Graces Interest at the last Election for the County.' The parents and relatives of the other convicts had either supported Newcastle's candidates in the past, or were ready to do so in the future.¹³² William Stephens was described as a civil, good humoured smuggler, a man of some substance wishing to set up in Rodmell as a butcher. The local inhabitants wanted him set at liberty and Newcastle was advised that 'as yr Graces interest is new amongst these people and as they were hearty and disposed to a Man to attend Ld Middlesex,' it might be well to meet their wishes.¹³³

There was also a competitive element in securing pardons, once men of influence took up the cause of the condemned. John Jarmyn was a Norfolk smuggler active in the 1740s, convicted for his part in the rescue of James Holt from custody. George Townshend, MP for Norfolk, made strenuous efforts to save Jarmyn from the gallows. He argued the unreliability of the informants at the trial, the questionable efforts of the Excise in securing fresh evidence from a renegade smuggler once the campaign for a pardon was underway, the strength of Jarmyn's alibi, the curious disappearance of a key defence witness, probably bought off by the prosecution, and Jarmyn's good standing in the locality. Townshend provided Newcastle with an explanation for his vigorous campaigning:

I do not espouse my Lord, this poor Mans cause as an opportunity whereby I may convince this County and my Constituents of the Interest I have with your Grace. I really do it because I am convinced that if he had the good fortune to have the facts thus attested in these Papers thoroughly considered, he would have a good Chance to appear Innocent. I sued for this favour as for an Innocent Man; not that I would ever wish to exert what little Interest I may have to obtain a pardon for one I really thought Guilty.

If my Lord, your Grace sees any opportunity of obtaining a reprieve for this unfortunate Man that he may be transported, I shall ever acknowledge the obligation, but my Lord, I shall be really concerned to think that my Constituents will naturally conclude from the same Sessions Papers that Jarmyn suffer'd innocent as they think him because not having so good an Advocate as Brookes.¹³⁴

Edward Brook and John Carbold were convicted at the Old Bailey in September 1751, charged with running goods at Felixstowe in 1747. The 'advocacy' referred to by Townshend could not have been that of Brook's counsel, and was probably a political rival who had secured a pardon for him.¹³⁵

When Thomas Holman was convicted of murdering Michael Bath, Charles Eversfield, the Horsham magistrate, decided to take up the case. Eversfield was concerned that Richmond was giving credence to the story that Holman had shipped some of the killers of Galley and Chater over to France. Holman's case, along with the others convicted at the Lewes assizes, was discussed by a Cabinet council, attended by George II, the Dukes of Bedford, Richmond, and Newcastle, the Lord Chancellor, Sir Henry Pelham, and the trial judges; it was clearly felt to be a matter of some significance.

There was no pardon forthcoming at the time, Newcastle declining the opportunity to speak on Holman's behalf and Richmond adamant he should suffer the full penalty prescribed by law. Richmond was set on his campaign of smuggler extirpation, and Holman could expect no mercy from that quarter, but the long history of animosity between the Duke and Charles Eversfield made him an unsuitable advocate.¹³⁶ Richmond's illness and Collier's connections probably saved Holman, and the case illustrates the interlocking of the legal and political domains. Government is too complex a process to be analysed effectively using a framework limited to a study of the institutional aspects of legislation and implementation of the laws. Authority rests on legitimacy, often best established through co-operation between groups and interests working to secure both particular and shared objectives and recognising their interdependence and different powers. If a governing class is to remain dominant, without resort to long-term repression, then the governed must incorporate some elite values and perceptions into their own modes of thought, and vice versa. Competent administrators will be alert for signs of dissent arising from new measures or changes in the way the laws are being applied. Adjustments have to be made in accordance with circumstances and the state of public opinion. Local notables played a crucial role in the day-to-day management of public affairs, but their various roles created individual dilemmas. Collier often recorded his disapproval of the smugglers, and at one stage felt personally threatened, but he seemed incapable of adopting a consistent approach to the problem.

As Surveyor-General of the Kent Riding Officers, he was well aware of the humiliations and injuries inflicted on the men under his supervision, and was anxious to see the worst offenders brought to justice, but as mayor of Hastings and Newcastle's political agent he felt some obligation towards local men who had run foul of the law in following a practice common in the maritime counties. When the 'Transports' were convicted, he supported the petition for Harman, but condemned the rest.¹³⁷ When John Grayling was taken in 1744, Collier urged Newcastle to intervene:

There's some plea for him in favour of Mercy that he was no Judge how far the Words of the Proclamation Extended. His Original Crime was no Murder, or indeed beating any Officer of the Revenue or rescuing Goods. I really abominate the Smuggling practices, but in this case, as Circumstanced, its absolutely necessary to be made a point of.¹³⁸

Two suspect vessels were brought into Sandwich in 1745, belonging to George Harrison and Zebulon Morphet, both Hastings men. They were 'notorious and reputed smugglers,' according to the Collector, and just before the seizure there had been 100 horses on the beach, carrying away goods. Yet when Collier was asked for information he claimed ignorance of Morphet's illicit trading activities, and insisted that, 'not one single boat or person had been over to France or any other place on the smuggling account,' in recent weeks:

I solemnly declare that no person can have greater abhorrence of this clandestine trade than myself yet don't think but if mild terms will avail, it will be attended with better consequences than making them desperate, of which we have too many instances.¹³⁹

He recommended Harrison and his cutter as naval auxiliaries both in 1745 and again in 1748, but when William Day, another local ship's master, applied for a privateering commission, Collier dismissed him as 'a notorious Smugler, no good Character, and the whole Complement a set of Smuglers and abandon'd wretches.'¹⁴⁰ Since Milward, Collier's son-in-law, had supported Day's application, personal issues could have influenced his decision. He exemplifies the need to bring in local perspectives, personal motivations, and individual views on social order and how best to preserve it, when discussing how the authorities dealt with smuggling. When prosecutions were brought by private individuals, the courts exercised considerable discretion. A prosecutor might use the threat of legal proceedings to extract a confession and offer of restitution from the culprit. Instances of theft enabled both prosecutors and juries to be merciful since the value of the stolen item determined whether or not the offence was capital. Faced with the rigours of the criminal code, juries need not have felt morally compelled to acquit the guilty to save them from execution for venial offences. Their recommendations for mercy were noted, transmitted to the Secretary of State, and generally acted upon if the judges concurred.

It can be argued that the role of the state in these transactions was to establish and maintain the machinery for the administration of justice. To the extent that even Langbein's 'little crooks' were an embarrassment to the

authorities, criminal activity, and the efforts to check it, were part of the policy agenda for eighteenth-century administrations. State involvement was more obvious in smuggling cases, shown by the frequent appearances of the Crown's legal officers in court. There was concern for the revenues, and the established order was perceived as under threat as patterns of social deference and ties of economic dependence were eroded. The contraband trade was too much of an entrepreneurial pursuit for its practitioners to be convincingly depicted as a proto-proletariat in revolt against the dictates of commercial capitalism but as major economic changes were undermining the old certainties, so the traditional elite found itself being challenged in diverse ways. Smuggling was an area of economic activity more obviously outside effective government control and it offered the prospect of escape from the stultifying effects of unremitting manual work and constant poverty. The courts did not treat smugglers as generously as the revenue officials maintained, but juries were composed of the more comfortably circumstanced, those with sufficient wealth to have felt threatened by a 'lawless banditti' bidding defiance to properly constituted authority. Yet these respectable farmers, professional men, tradesmen and master craftsmen delivered verdicts in favour of known smugglers. Political and social stability rested on interlocking networks of interests, and a general acceptance of the rule of law. Large gangs of armed smugglers exposed the limitations of the state's coercive apparatus, and when prosecutions

failed, it is possible the jury was taking the opportunity to express the view that government was pursuing policies and adopting strategies unacceptable to a section of society. This is at some remove from the notion of smuggling as an activity criminalised by the law but sanctioned by the community. As John Rule says, 'there is an obvious problem in determining the reference group by which such actions are regarded as acceptable.'¹⁴¹ There is no axiomatic case for accepting 'the lower orders, 'the people' as the reference group. Whatever the advantages for incisive social analysis, individuals, groups and communities fail to conform to their social class stereotypes and a range of attitudes and behaviours can be found crossing the divides of class and position. Smuggling was a multifaceted activity: an international commercial operation, a means of advancement available to the entrepreneurially minded, a cover for those with a predilection for thuggery. It can also be interpreted as a challenge to the established social order, but there was too much diversity, too great an awareness of the subtleties of social relations and the complexities of government, for analysis of the smugglers' enterprise to be confined to a model of class war which posits a simple divide between rebellious smugglers and capitalist merchants intent on extending their monopolies, working through the administrative, military and legal apparatus of the state.

Notes to Chapter Five

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4. SP 36/83/104, April 17, 1746, CUST 99/4, April 17, 1746,
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6. Add MS 32703, f.84, June 2, 1744,
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7. Paul Muskett, 'A Case of Rough Justice'. Sussex History,
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8. HO 42/8, March 22, May 23, 1786,
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10. ADM 1/4284, July 1734,
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13. HO 42/1/174, May 6, 1782.
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22. QSB 1748, an account of the taking of Richard Blundell by Thomas Sheteker.
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23. CUST 97/9, Jan. 20, April 16, 1747.
24. CUST 97/9, Jan. 28, 1735/6, May 7, 1736.
25. CUST 97/9, June 7, 1736.
26. CUST 97/10, Sept. 1736, Feb. 9, 1736/7.
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CUST 97/13, Nov. 10, 1744, Jan. 1, Aug. 2, 1745,
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28. The Proceedings of the King's Commission of the Peace and General Gaol Delivery held at East Grinstead, (1749), pp.12-13.
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43. Ibid.
44. CH 81/16/1-3, CH 81/17, CH 81/18, CUST 96/21, Aug.6, 1737, SP 36/42/188, CH 2715.
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81. Ibid.
82. Add MS, 32712, f.158.
83. Add MS, 32711, f.211, ADD MS, 32712, ff. 330, 404, 431.
84. Add MS 32712, f.408.
85. Add MS, 32712, f.450, SP 44/133/346-8.
86. Peter King, 'Decision Making and Decision Makers', p.50.
87. Norwich Mercury, Nov. 18, 25, 1780, March 17, 24, April 7, August 11, 1781, March 23, 1782.
 HO 42/3/140.
88. Norwich Mercury, Sept. 1, 1787.
- 89.Ipswich Journal, March 27, April 10, 1784.
90. Ipswich Journal. Aug. 6, 1785,
Norfolk Chronicle, June 11, 18, 1785.
91. CUST 41/42, The King v Thomas Ward, King v Isaac Pope, King v John Bowra, Collier TS, pp.52-5, information of William Weston, Sayers TS, March 8, 1736/7, ASSI 31/1, Sussex Winter Assize, 1736/7. CUST 41/42, King v John Grayling et al. For the 'Transports' return, and smuggling activities in the later 1730s and 1740s, see Sayers TS, Dec. 12, 1738, March 12, 1742, May 3, 1744, ADM 1/3865, Dec. 14, 1738, Add MS, 32697, f.19, Pigram to Newcastle, May 20, 1741, SP 36/64/144, John Grayling's petition.

92. Ipswich Gazette, April 19-26, May 10-17, July 26-Aug.2, Aug. 2-9, 1735.
93. CH 81/16/1, CH 41/24, April 4, 1737,
Ipswich Journal, March 31, April 7, 1739, Feb. 24, Sept.27, 1741.
CH 81/16/1,2 CH 81/17, CH 81/18,
SP 36/46/147, March 23, 1738, SP 36/46/177, Oct. 12, 1738.
94. McCann, 'The Correspondence of the Dukes of Newcastle and Richmond', p.278-9.
95. Winslow, 'Sussex Smugglers', p.162.
96. McCann, 'The Correspondence of the Dukes of Newcastle and Richmond', p.282.
97. Ipswich Journal, Aug. 5, 1749,
Gentleman's Magazine, (1749), p.330,
K.A.O, U 120 013.15, QSB 1748, confession of Thomas Prior,
CUST 41/42, King v Isaac Pope,
Collier TS, pp.53-55.
98. Winslow, 'Sussex Smugglers', p.163.
99. CUST 97/14, Feb. 20, 1747/8.
Norwich Mercury, March 31, April 7, 1750,
Old Bailey Proceedings, Feb. 28-March 7, 1750, Case No.202,
pp. 50-51.
At his execution in 1752, James Holt, smuggler and parish clerk at Benacre, reflected that it was 'very hard to be hung for smuggling.' Clive Emsley, Crime and Society in England, 1750-1900, (1987), p.215.
100. Morning Chronicle, July 17, 1784,
The Times, June 22, Nov.26, 1785,
HO 42/206, April 1, 1785, ADM 1/1763, July 21, 1784.
HO 42/5/184, Aug. 9, 1784.
101. Paul Muskett, 'The Hastings Pirates, a Cautionary Tale', Sussex History, No. 26, (Autumn 1988), pp.17-27.
102. T.A.Green, Verdict According to Conscience: Perspectives on the English Trial Jury, 1200-1800, (Chicago, 1985), p.271.
103. Ibid.
104. Peter Linebaugh, The London Hanged, Crime and Civil Society in the Eighteenth Century, (1991) pp. 79,83.
105. J.S.Cockburn, 'Patterns of Violence in English Society: Homicide in Kent, 1560-1985', Past and Present, No. 130, (1991), p.
106. OBP, April 14-16, 1747, pp.104-5, trial of Edmund Henley.

107. OBP, June 4-5, 1748, pp.180-4, trial of Richard Ashcraft.
See also, OBP Sept. 9-11. 1747, pp.240-6 and July 15-18, 1747, pp.200-3, trials of Thomas Puryour and John Cook.
108. OBP, April 14-16, 1747, pp.104-5, trial of Edmund Henley.
109. OBP, Sept. 8-10, 1748, pp.256-8, trial of Robert Cunningham.
110. OBP, Oct. 11-13, 1749, pp.160-1, trial of James Smith.
OBP, Dec 5-11, 1750, pp.12-14, trials of John Peters and John Carbold.
111. OBP, Sept. 8-10, 1748, pp. 271-7, trials of William Denny Fox, William Jefferys, Robert Salmon.
OBP, May 26-8, 1748, pp.186-191, trial of James Watling.
112. F.F. Nicholls, Honest Thieves, (1973) pp. 86-7.
113. OBP, April 20-23, 1748, pp.147-152, trial of Arthur Gray, Sayers TS, Feb. 19, 20, 1747/8.
114. OBP, Feb. 28-March 7, 1750, pp.53-4, trial of James Sandiland, OBP July 11-14, 1750, pp. 89-93, trial of James Shepherd. Dudley Ryder, the Recorder, was very reluctant to accept that Shepherd might have been innocent, despite the Excise Commissioners confusing the issue and the absence of credible prosecution witnesses. SP 36/113/47,48, 50-52.
115. OBP, Oct 14-16, 1747, pp. 271-3, trial of Thomas Puryour, OBP, Sept. 12-19, 1750, pp.119-121, trials of Uriah Creed and Richard Mapesden,
London Gazette, April 14-18, 1747,
CUST 51/25, March 12, 29, 30, 31, April 1, 2, 4, 7, 11, 18, 22, 1747.
Sayers TS, April 5, 1747.
116. OBP, Oct. 14-16, pp. 271-3, trial of Thomas Puryour.
117. Ruth Paley, 'Thief-takers in London in the Age of the McDaniel Gang, 1745-54', in, D.Hay and F.Snyder, eds. Policing and Prosecution in Britain, 1750-1850, (Oxford, 1989) pp. 328-9.
118. Sayers TS, Feb. 8, 1747/8,
OBP, April 14-16, 1747, pp. 104-5, trial of Edmund Henley,
ASSI 31/1, Sussex Lent Assize, 1740/41,
Collier TS, p. 244, April 30, 1744,
Sayers TS, April 1, 1744.
119. Green, 'Verdict According to Conscience', p. 273.
120. OBP, April 20-23, 1748, pp. i50-5, trial of William Rowland.

121. OBP, July 6-9, 1748, pp.222-4, trial of Robert Cunningham,
Ipswich Journal, June 27, 1747,
OBP, July 15-16, 1747, p.121, trial of Richard Mapesden,
OBP, April 17-22, 1751, pp. 136-7, trial of John Baker,
OBP, Sept. 8-10, 1748, pp. 277-9, trial of Francis Andrews,
OBP, Feb. 22-27, 1749, p. 50, trial of Benjamin Watts,
OBP, Feb. 28-March 7, 1750, pp. 50-51, 54, trials of John Carbold, Charles Gowan, John Doe.
122. J.Langbein, 'Albion's Fatal Flaws', Past and Present, No. 98, (Feb. 1983) pp. 100-101.
123. Ibid, pp. 119-120.
124. Hay, 'Property, Authority, and the Criminal Law', p.27
- 125.Green, 'Verdict According to Conscience', p.314.
126. Add MS, 32696, ff. 230-1, March 12, 14, 1740/41.
127. SP 36/124/219, SP 36/122/66, June 11, 1753.
128. SP 36/159/182
Hay and others, 'Albion's Fatal Tree', p.14.
129. SP 36/149/58.
130. SP 36/149/58
131. Add MS 32691, ff. 97-8.
132. SP 36/149/58.
133. Add MS, 32698, ff. 106-7.
134. SP 36/117/112, SP 36/117/116, SP 36/117/128, SP 36/117/145, SP 36/117/181.
135. OBP Sept. 11-18, 1751, pp.263-5.
136. Add MS 32719, ff. 20. 44.
137. Add MS, 32691, ff. 97-8.
138. Add MS, 32703, f.170.
Edward Vernon, Seasonable Advice, (1759), pp. 140-1,
CUST 51/25, Dec. 15, 1745, Aug. 6, 1746. Under threat of prosecution by Harrison and Morphet, it appears the smuggling cutters were returned, CUST 51/25, Aug. 26, Sept. 2, 1746.
139. Sayers TS, pp.129-30.
140. Vernon, 'Seasonable Advice', pp. 157-9,
Add MS, 32713, f. 525, for Harrison, ff. 474, 480, for Day. It is quite probable this was the Harrison hounded out of Hastings as an informer in 1748, Winslow, 'Sussex Smugglers', p.145. Grayling headed those in pursuit, SAY, 1391.
- 141.J.G.Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', Southern History, Vol 1, (1979) p.139.

Conclusions.

The intention has been to examine existing accounts and analyses of eighteenth-century smuggling, in particular, the validity of the arguments for designating it as a form of social crime, and the claim that there was a significant development in the organization of the contraband trade in the period 1760-1780, as the volume of traffic increased, illicit imports infiltrated legitimate markets and distribution networks, and the typical smuggler became more of a capitalist entrepreneur than a pirate or a bandit. The question of violence needed to be addressed when looking at both social crime and organizational changes. If the contraband trade came under the control of 'the large scale importer and wholesale distributor', businessmen, insuring against seizure at Lloyds, then it would seem reasonable to expect some reduction in armed confrontations with the authorities, in an effort to keep down premiums. The Muis cite evidence to support their case for smuggling becoming more systematic and expanding 'in the direction of monopoly',¹ but they make no references to the Customs outport records, the Treasury material, or the War Office and Admiralty papers, sources which demonstrate that smuggling remained a significant policing issue.

Smuggling changed over time, acquiring the attributes of more legitimate commercial enterprises. Population growth, and increased per capita consumption in Britain provided the smuggler with greater opportunities, encouraging

the continental East India companies to send more ships to Canton in search of tea, and the setting up of new distilleries in the Netherlands, catering for English tastes. The contraband entrepôts flourished, and when the Revestment Act made for more effective regulation of the Isle of Man, Port Rush and Roscoff provided alternative bases. Greater quantities of contraband were being acquired, transported, stored and distributed, and the increasing scale of operations included greater reliance on financial institutions, essential as sources of credit and for the handling of remittances.

There were predictions that the 1784 Commutation Act, by ending the profitability of tea smuggling, would bring about the general destruction of the contraband trade. The East India Company's rivals would not be able to compete on level terms, and denied their most lucrative business, the smugglers would soon fall into decline. Securing capital for constructing and fitting out the cutters would prove difficult, and merchant houses were less likely to allow credit as profits dwindled and shippers were forced into taking greater risks, driving up insurance costs in the process.² The forecasts did not make sufficient allowance for the smugglers' adaptability and anticipated an extended peace. As it was, the Eden treaty, negotiated with France in 1786, was only in force for six years, and sales of contraband spirits continued during that period.³ Brandy and gin were staples at Dunkirk, and in this later period rum was becoming an important item in sales to the English smugglers frequenting the port.⁴ James Armstrong, a passenger returning from the West Indies, described how the spirit was brought into Europe:

I took my passage on board a Vessel of about 300 Ton burthen that cleared from thence for Dunkirk but when we got to Sea the Captain informed me he was not going to Dunkirk but to the Island of Guernsey and that the Rum (of which the Cargo entirely consisted and was smuggled from St Christopher's) belonged to a Merchant there: and I was Witness to its being landed on the said Island of Guernsey, and to the re-shipping of one hundred and sixty punchions for Dunkirk, to supply the Smugglers there, and the rest was deposited in the Merchants Stores either to be consumed in the Island or to be illicitly disposed of at another opportunity.

Much of Guernsey's trade was illicit, and the merchants sent considerable quantities of brandy and gin to the Dutch island of St Eustatius, 'and Smuggle the Cargo from thence to St Christophers and Barter it for Rums.' In addition, ships were despatched to Grenada, where they took on rum cleared for Quebec, 'and then return directly for Guernsey.'⁵

As tea lost its attractions for the smugglers, so they turned to tobacco, another highly taxed commodity available at the established entrepots, and easily stored among the casks of spirits being brought back to Britain. Many of the vessels concerned were open boats, from 8 to 14 tons, and sloops up to 35 tons, 'which can run into the Creeks, Rivers and Coves and land their Cargoes', but there were larger carriers, some displacing 300 tons, 'which lay off at a Distance at Sea, the Cargoes of which are discharged by Boats':

Ships of 100 to 200 Tons Burthen with Men in proportion are employed between Dungeness & Beachy Head, and as far down as Lands end, and from the Coast of Scotland, in bringing over Tobacco from Dunkirk, Ostend, Guernsey, the Isle of Man and other places; and some Ships of these Burthens are kept on Freight by Companies of wealthy Smugglers, to bring Cargoes from Virginia to Dunkirk, Guernsey etc., with design to run the same into this Channel.⁶

The reports on the illicit tobacco trade indicate that there were different levels of participation, from the substantial merchants sending ships to Virginia to purchase supplies for the contraband warehouses, to the boatmen unable to afford insurance and bringing over a few bales at a time. The scale and organization of these other branches of smuggling, could be used as evidence to support the Muis's argument; as with the tea trade, illicit importation was under the effective control of wealthy investors and consortia with the necessary capital and credit. But as Winslow points out, this omits 'any mention of the bloody conflict which was at the bottom of this aspect of British commercial development.'⁷ Concealment, evasion, deception and subornation were all practised by the smugglers; the legal market was penetrated by illicit dealers, but the goods had to be brought into Britain in the first place. A blunderbuss could be as persuasive as a bribe and the cannon-carrying smuggling cutter is a more representative image than the forged permit. Legitimate merchants and retailers dealing in contraband teas and spirits, and the

manufacturing operations set up as a cover for imported tobacco, were one way in which legal and illegal operations interlocked.⁸ Another such combination was the privateering business, when smugglers applied for commissions and letters of marque, either to diversify their activities or to provide a useful cover for clandestine trade.

Distancing the contraband business in the second half of the eighteenth century from the force and violence which accompanied it, creates an artificial distinction between the earlier and later periods. Conversely, Winslow's concentration on the Wealden gangs of the 1740s, and his paradigm in which 'The protection of smuggling was in part a defence of the local economy as against the development of commercial capitalism',⁹ obscures the extent to which smuggling was already an international concern, making the Ostend Company and its Scandinavian successors viable commercial undertakings in the period 1720-1750. The Directors of the East India Company estimated that while consumption in Britain was rising, the proportion of legally imported teas being sold was in decline as foreign competitors found buyers among the merchants who supplied the English smugglers. The government was losing revenue, and while the 'Clandestine Traders' prospered, the fair traders faced ruin:

This evil is become so great and so diffusive that it is conceived not the Civil Power, nor even such Military Force as the Administration would choose to employ on such an occasion will be sufficient to suppress it.¹⁰

Competition from foreign companies, and the lack of effective policing were perceived as related problems. Groups and interests within the contraband trade do need to be identified and described, but linkages between agents within the smuggling networks are equally important for an understanding of their operation.

Establishing the 'plebeian social origins of the Sussex smugglers of the 1740s' is integral to Winslow's thesis that smuggling was part of 'the traditions of resistance, carried on by the poor, to the laws and institutions of their rulers', and 'an aspect of the class struggle of the eighteenth century,'¹¹ but he is aware of the diverse social and occupational backgrounds of his protagonists, and the hierarchical control implicit in contemporary references to 'master smugglers', and the directing influence of the London merchants. The inaccuracies of contemporary ascriptions are noted, and Charles Fleet's claim that 'a "lower class" of smuggler had come to predominate' in the 1730s and 1740s is subjected to some scrutiny. Yet Winslow adopts a similar determinism, inferring a connection between violence and social class. When smuggling involved riot and the mob, this 'inevitably led to the association of smuggling with the "lower class", and the crimes were usually attributed to the poor'.¹² The 'crimes' are unspecified and the attributions anonymous, but a causal connection between poverty and brigandage is implied, and the retribution exacted in the late 1740s had more to do with the assertion of ruling class hegemony than the repression of crime.

Widening the scope of investigation to include earlier and later periods and other regions, showed the need for caution when making connections between the use of violence and the social origins of its perpetrators. It was the merchants at Calais and Boulogne who paid the smuggling crews in brandy and dismissed any man not prepared to fight the revenue forces. If it is accepted that there were substantial financial and commercial interests behind the large armed cutters active in the 1770s and 1780s, then responsibility for the smugglers' use of firepower lay with those putting up the capital to furnish the ships. Tracing the interlocking commercial interests of privateers, smugglers and legitimate shippers on the Isle of Man and the Channel Isles, brings out the limitations of Winslow's class-based analysis. Accounts of smuggling on Man, written in the 1730s, suggest it was a significant business enterprise rather than a way out for the poor or 'an escape for those who refused to submit.'¹³ Before the legislation banning the export of non-indigenous produce from the Island, merchants had used Manx warehouses and cellars for the low cost storage facility they provided:

but they Can now Dispose of whole Cargoes at once in the Island, to the Smuglers thereupon - paying a Trifling Acknowledgement in the Island; for the Smuglers [sic] there are now grown Rich, & are able to purchase whole Cargoes, And having now Settled all their Correspondents upon the Neighbouring Coasts, and Drawn in Numbers to assist them, they are under no apprehension of having their goods Seiz'd upon Landing, tho' Discover'd by the officers, if they are now Discover'd they

give Battle to the officers, Seize & Bind them,
And if any of their goods are Seiz'd & Secur'd,
Even go the Length of Attacking them in Houses,
& Setting fire to them wth Impunity, And Without
fear of a Discovery; And When they are Prosecuted,
in Some places, find the way to Brand the Informers
wth Infamy, in order to give a Countenance to Juries
to bring them off.¹⁴

There was no suggestion that smugglers could be divided into peaceful entrepreneurs and aggressive proletarians. Bulk buying from the merchantmen, a network of agents based on the mainlands, the ability to discredit officials and corrupt juries, and the calculated use of violence to defend their interests and intimidate the revenue-men, point to a sophisticated operation in place. The Muis describe the 'traditional form of smuggling' in the eighteenth century as 'a diffuse, informal and more or less personal trade'. Informality and business dealings based on personal contacts and successful repeated transactions are attributes of commercial networks, but these are not necessarily small scale. Much of their assessment of smuggling before 1760 is based on the notion that major enterprises need central direction, and that after the Seven Years War, 'wealthy British merchants with far flung interests largely replaced the many relatively small-scale local smugglers.'¹⁵ Outport Collectors naturally focused on the local dimension, and it was the boatmen and horsemen, the carters and tubmen, who were likely to appear before the magistrates, not the large scale importer and wholesale distributor. The Muis present a dichotomy; smuggling was either small-scale and locally based, or it was dominated by central capitalists, the 'real men of substance', the London merchants.¹⁶ Closer

attention to the mechanics of importation and distribution demonstrates the limitations of this division. The contraband trade is better understood as a network, made up of interdependent sectors, and within which individuals could aspire to wealth and standing. The Muis and Winslow provide frameworks for coherent analysis, and Dermigny draws attention to the complexity of the international market in contraband, as smugglers adjusted to alterations in duties, fluctuations in supply and demand, changes in legitimate trade patterns and outbreaks of war.

The use of force can be incorporated within this representation of the smuggler as astute entrepreneur. The profitability of illicit intercourse should be put in perspective, rather than focusing on the price reductions made possible through the evasion of duties. Processing and packing tobacco, storing tea in oilskin bags, employing coopers to manufacture half-anchor casks, all incurred additional costs. Smugglers had to pay well above the normal rates for crews, porters, and land carriage, while having to land cargoes on open beaches meant a higher level of risk than that entered into by legitimate traders. Commentators in the 1780s maintained that the tea smugglers could lose one ship in three and still operate at a profit, but such estimates failed to take into account the effects of losing capable commanders and disappointing customers.¹⁷ Letters from the cruiser captains and outport officials show how determined the smugglers were to retain their goods at sea and on land. Cannons and small arms, and the employment of armed guards through the country, were as much a form of insurance as the premiums paid at Lloyds.

This analogy has its limitations; deaths and injuries suffered in clashes between smugglers and preventive forces could lead to reprisals and vendettas. There was perceived self-interest informing the violence, but most of those directly involved would not have been calculating profit margins under fire. Even so, the distinct pattern of intimidation and confrontation suggests that the smugglers' actions are best considered as integral to the contraband trade. There were vicious and sadistic individuals among the gangs, and some of the Wealden men were behaving in a way likely to provoke central government into using the power at its disposal, but McLynn's assertion that the Sussex smugglers were atypical 'in their purposive violence, social composition, and their rhetoric'¹⁸ reduces historical explanation to pseudo-psychoanalysis. Without some rationale for the use of violence, what is left is speculation about the mental states of long-dead villains. McLynn tells us that 'Much of the exaggeration of the social role of smuggling comes from extrapolating from the special case of the Sussex smugglers.'¹⁹ His targets for criticism are most probably Winslow and Rule, and there is a strong case for locating the Wealden gangs within a broader social and economic context, accumulating the evidence for valid comparative studies. McLynn does not do this, preferring to cite individual instances of elite involvement rather than addressing the question of how the smuggling trade was organised.

John Beattie argues that there were significant changes in social perceptions towards the end of the century:

Attitudes towards violence and the character of violence itself both appear to have changed in some significant ways in the later eighteenth century, each no doubt encouraged by the other...it seems to me that the evidence both of prosecutions and of contemporary opinion supports the view that there were indeed changes in violent behaviour in the late eighteenth century, that there was some shifting of the line dividing acceptable from unacceptable conduct and a strengthening of feelings of shame, guilt and repugnance about acts that had once raised no eyebrows.²⁰

The extraction of obedience by physical coercion' was increasingly under question, but the Beattie also draws attention to 'the huge number of hangings, particularly from 1783 to 1786 in Surrey and across the Thames at Tyburn and at Newgate'.²¹ Whatever changes were taking place within the family, or in relationships at work, changing approaches to the treatment of offenders were inspired by a growing awareness that harsh treatment was less of a deterrent than the certainty of arrest and conviction. The army and navy remained an essential part of the government's campaigns to suppress the smuggling trade while the employment of 'bush officers' by the Excise marked a further shift away from the civil magistrates' control of policing. A law abiding society is one where both police and populace accept the need for rules and procedures. The use of the army as a law enforcing body had long been a source of disquiet, but the workings of the Excise in the later eighteenth century raise questions about the government's commitment to a more ordered police. A fierce clash between smugglers and revenue men was reported

in the Ipswich Journal in May, 1784. A party of five excisemen and their seven assistants had seized 57 half-anchor casks of spirits, and were taking them from Kettleburgh to Woodbridge. About two o'clock in the afternoon they were attacked near Easton by a gang of 30 smugglers:

who with horrid imprecations and expressions of Murder! Murder! fell upon them in a most inhuman manner, with an intent to rescue the seizure: however, the officers made a noble stand and a bloody engagement ensued, which lasted nearly an hour, when the officers put the smugglers to flight, pursued them several miles, and

maintained the seizure.²²

According to the press report, most of the smugglers were hurt, either shot or cut with broadswords, and five or six excisemen 'slightly wounded'. The officers report gave more details. The party was made up of John Pope, the Ipswich Supervisor, William Mason from Wickham Market, William Engall from Saxmundham, two more men from the Suffolk Collection, and George Cartwright from the London Excise office. They were following up an information when they searched a field near Kettleburgh and discovered the gin and brandy. Their assailants were armed with 'large bludgeons and sticks capped with spikes and iron'. Two officers and three assistants had suffered cuts and bruises, and one of them, Richard Pitcher, was thought to be in danger of his life. In his report to the Board, Richard Powell, the Ipswich Collecteur, noted that 'four or five' of the

smugglers were rumoured to be dead, and included the information that all the assistants were riding with Cartwright, the London officer. So was this just another confrontation, where the smugglers, armed only with sticks, were so foolhardy as to take on 13 excisemen, equipped with 'carbines, pistols and broadswords', or were the officers seizing an opportunity to retaliate? Powell described George Culham, the smugglers' leader, as 'the most noted Smuggler in my Collection, and has frequently displayed his cruelty on the officers.'²³ Mr Magow, an Excise solicitor, conducted an investigation in Suffolk:

I went to Ipswich where after a Minute Inquiry, I could get no certain information of what No. of Smugglers were shot in the Affray (except one who is said to have died since of his Wounds, but this is only the Report of the Country). The whole of this Affair is kept so close and secret by the surviving Smugglers (for fear no Doubt of being themselves discovered) that there is every reason to believe no proceedings will ever be had against the Officers for Murder, nor can I find any Coroner has sat on the body of them.²⁴

Assessing levels of violence by reference to the murder rate alone is debatable in itself, but in the light of this report, what credence can be given to the totals derived from the assize records and the coroners returns?

The 1736 and 1746 Acts, enabling the revenue authorities to prosecute smugglers away from their own areas, reflected concerns that juries in maritime counties were too sympathetic towards the accused and exposed to bribery and intimidation. The record of convictions and acquittals up to the mid-century period does not support John Rule's claim that 'smuggling...and related activities were not

held to be crimes in the popular view, no matter by whom committed or in what circumstances'.²⁵ Smuggling, as the most extensive form of organized crime, should be brought into the debate on changing attitudes, but jury verdicts do not substantiate the argument for a developing sensibility. The objection can be made that juries were not representative of 'the popular view' but if that is a valid point, then this study has served to cast doubt on the notion that smugglers could go into court confident of acquittal, irrespective of what crimes they had committed. The concept of social crime has its merits, directing attention to the ways in which the laws and the machinery of law enforcement can be the means of promoting sectional interests and legitimising a governing elite's recourse to coercive measures whenever it perceives a challenge to its authority. There were activities defined as criminal by the legislature and punished as felonies, which were quite acceptable to large sections of the community. Wrecking is a good example of such a social crime; storms were seen to be acts of God, and the ships cast up on the coasts as part of the bounty of the sea. For hard-pressed boatmen and fishermen the cables, rigging, canvas, and anchors recovered from wrecks were a vital resource, and the wider community of rural workers could find a use for salvaged timbers and nails; a cargo which could be consumed or sold was a bonus. Contemporary reports estimated the numbers descending on the beaches in thousands, and it was evident that those involved did not see themselves as criminals. John Styles describes smuggling, poaching

and wrecking as 'forms of illegal appropriation which were redefined as legitimate, both by men of middling rank and by the poor.'²⁶ But 'wrecking' encompassed a variety of forms of wealth redistribution. John Rule notes instances when the wreckers stripped survivors of their clothes as they staggered ashore, careless of their survival. While such behaviour may have been exceptional, it raises the issue of what was included under the protective umbrella of social crime.²⁷ When the same question is asked of smuggling, similar doubts arise. Wrecking was occasional and spontaneous, a communal response to a fortunate accident. Smuggling was practised by casual opportunists and by professionals conducting a commercial business operation; it was organized and calculated, including the use of violence to deter and intimidate. Eighteenth-century governments were disturbed by the smugglers' Jacobite connections, and the way the gangs exposed the authorities' limited policing capacity. There was also unease that smuggling provided an escape from servitude and dependency for farm labourers and rural artisans. To the extent that the smugglers escaped the restraints of employment and authority, they can be described as social rebels, but what is wanting is evidence of some awareness that their activities constituted a threat to the established order. When their careers can be traced over a lengthy period, 'freetraders' can be seen to have been driven by financial imperatives and the instinct for self-preservation. There were individuals like William Owen and Jeremiah Curteis, enamoured of violence and risk, but smugglers intent on

redressing imbalances in society, or defending their local economies against the incursions of central capitalists, are difficult to identify within the networks of acquisition and accumulation which sustained the contraband trade.

Notes to the Conclusion.

1. Hoh-Cheung and Lorna H Mui, 'Smuggling and the British Tea Trade before 1784, American Historical Review, Vol. LXXXIV, (1968), p. 59.
2. PRO 30/8/354, March 12, 1784.
3. PRO 30/8/164, f.95, Dec. 21, 1787,
PRO 30/8/149 ff. 259-60, PRO 30/8/129, f.117, Aug. 3, 1788.
4. Christian Pfister-Langanay, Ports, navires et negotiants a Dunquerque, 1662-1792, (Dunkirk, 1985) p.352.
5. PRO 30/8/108, f.447, April 11, 1789.
6. PRO 30/8/298, Extracted from the Collectors' Reports of the Extent of the frauds in the Article of Tobacco. See also, PRO 30/8/298, f.18, Jan.1, 1788, Report from Sussex, PRO 30/8/298, f.21, Jan.2, 1788. Report from Norwich, PRO 30/8/298, f.222, Dec. 24, 1787. Sent from the Rye Custom House, this was a report on tobacco running on the Thames. It was estimated that 2,000,000 lbs of unmanufactured tobacco, 500,000 lbs of manufactured tobacco, and 1,120,000 lbs of stalks were sent out of Dunkirk, PRO 30/8/298, f. 267, Report from Dunkirk. These figures are far higher than those provided by Langanay-Pfister.
7. Cal Winslow, 'Sussex Smugglers', in, Albion's Fatal Tree, (1975), p. 154.
8. CUST 54/2, Nov. 30, Dec. 9, 1786,
CUST 54/3, Sept. 28, Dec. 17, 1787, May 12, 1788,
CUST 54/4, Sept. 24, 1789.
9. Winslow, 'Sussex Smugglers' p.150.
10. CH 23/1, Petition of the Directors of the United East India Company. For a survey of the growth of tea imports in the first half of the eighteenth century, see K.N.Chaudhuri, The Trading World of Asia and the English East India Company, 1660-1760, (1979), pp.385-404.
11. Winslow, 'Sussex Smugglers', p. 157.
12. Ibid, p. 120.
13. Ibid. p. 157.
14. CH 41/64.
15. Mui and Mui, 'Smuggling and the British Tea Trade', p. 51, 45.
16. Winslow, 'Sussex Smugglers', pp. 126, 158-9.
17. PRO 30/8/354, March 12, 1784. Though very informative on the workings of the smuggling industry in the 1770s and 1780s, the writer was familiar with the position in Scotland, rather than England, and the Muis rely on this document as a basis for general statements about the British Isles.

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23. T1/603, May 19, 25, 1784.
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